

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE NORTHERN DISTRICT OF OHIO
 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
)
4 Plaintiff,) Judge Wells
) Cleveland, Ohio
5 vs.)
)
6 JAMES A. TRAFICANT, JR.,) Criminal Action
) Number 4:01CR207
7 Defendant.)

8 - - - - -
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS

11 JUDGE OF SAID COURT,
12 ON FRIDAY, FEBRUARY 15, 2002

13 Jury Trial
14 Volume 3
15 - - - - -

16 APPEARANCES:
17 For the Government: CRAIG S. MORFORD,
18 BERNARD SMITH,
19 MATTHEW KALL,
20 Assistant U.S. Attorneys
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21 For the Defendant: Pro Se

22 Official Court Reporter: Shirle M. Perkins, RDR, CRR
23 U.S. District Court - Room

24 201 Superior Avenue
 Cleveland, Ohio 44114-1201
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25 Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

1 Friday Session, February 15, 2002, at 8:30 A.M.

2 (Proceedings in the absence of the jury:)

3 MR. TRAFICANT: Your Honor.

4 THE COURT: Just a second. Congressman.

5 MR. TRAFICANT: Yes, I have a few
documents

6 I'd like to enter into as evidence.

7 THE COURT: I'm sorry? I couldn't hear
you.

8 MR. TRAFICANT: I have three documents I

9 would like to introduce into evidence. Is this the
time to

10 do that?

11 THE COURT: No, this isn't the time to
do it,

12 I don't think, but let me see what they are. These
are

13 marked as S-7, this is a letter from Henry -- no, to
Henry

14 DiBlasio from Allen Sinclair.

15 MR. TRAFICANT: Yes.

16 THE COURT: This is marked as S-3. It's
an

17 office memo, dated April 21, 1999, to Henry from
Allen. So

18 I assume we're talking about the same parties. Then

19 there's one marked S-24, which is a February 16, 2000,

20 letter, to you from Mr. Sinclair.

21 MR. TRAFICANT: Yes.

22 THE COURT: Okay. Just a moment. I'll
let

23 the Government respond.

24 MR. MORFORD: I would like to see those
for a

25 moment. I don't think we have an objection. No
objection,

1 your Honor.

2 THE COURT: Mr. Traficant, these will be

3 admitted.

4 MR. TRAFICANT: Further motion and order
of

5 business at side bar.

6 THE COURT: Okay. The jury isn't
present so

7 I think we can just go down where --

8 MR. TRAFICANT: That would be fine.

9 THE COURT: All right

10 (The following proceedings were held at side
bar:)

11 MR. TRAFICANT: Now is the time to
decide on

12 the issue of the hearsay motion that I submitted
relative

13 to the January 6th taping of one Charles O'Nesti and
14 information gathered from same, and they intend now to
use

15 witnesses supposedly who had conversation with Mr.
O'Nesti,

16 and I clearly had stated in my motion under the
hearsay act

17 that 402, I think (C) (3) deemed the statements to be
18 trustworthy because they were statements made against
19 interest. The document clearly states that Mr.
O'Nesti

20 heard the fact, he's about ten days from death. Army
21 doctors were discussed. Medical emergencies and
facilities

whole 22 hospitals he could be placed into, and there was a
23 dialogue involving that. Now --
original 24 THE COURT: Let me go back to your
25 statement where you made the request of the Court. I
think

1 it was a request. You said now is the time for me to
2 admit -- tell me what it is, so I'm clear about it.
It's a 3 tape that you have?
4 MR. TRAFICANT: No, for you to, in fact,
rule 5 whether or not this hearsay evidence from this man who
is 6 on his death bed and who's supposedly years ago had
made 7 statements now being stated by people here should be
8 allowed admissible.
9 THE COURT: Okay.
fall 10 MR. TRAFICANT: I believe they clearly
is 11 within the hearsay Rules of Evidence, and I believe it
12 clearly prejudicial to the Defense to allow this.
13 THE COURT: Okay. So let me let the
14 Government respond.
15 MR. SMITH: Yes, your Honor.
of 16 THE COURT: To the request you're making
17 the court.
on the 18 MR. SMITH: After the custodian, who's
19 stand, gets done, the next witness will be Jacqueline
testify, 20 Bobby. Ms. Bobby is one of two witnesses who will
21 if allowed by the Court, to statements admissible
under 804 22 (B)(3)), statements against interest.

to 23 I want to make clear the Government is not going
tape 24 attempt to put into evidence the January 6th, 2000,
25 through Ms. Bobby's testimony or through Ms. Kavulic's

1 testimony either who will appear next week.

2 We are not putting the tape in through those two

3 witnesses. All we seek to elicit are the statements
that

4 Mr. O'Nesti and Mr. DiBlasio made, some in the 19 --
as

5 early as the 1980's, and others throughout the early
and

6 mid 1990's, well before the investigation began, well
7 before the January 6th, 2000, incident occurred.

8 So I want to make that distinction, your Honor,
that

9 we do not seek through these two witnesses to elicit
that

10 tape. We are simply seeking to elicit the testimony
of

11 what the witnesses themselves heard, in the
Congressman's

12 office as they were working with their co-employees,
Mr.

13 DiBlasio and Mr. O'Nesti.

14 Further, your Honor, as part of the Government's

15 burden on this issue, we, of course, have to show that

16 these two witnesses, Mr. DiBlasio and Mr. O'Nesti, are
not

17 available. The Court and Defendant have previously
been

18 given in binders Exhibit 1-31 which, is a
19 self-authenticating death certificate of Charles
O'Nesti,

20 and based upon the Congressman's statements at side
bar

21 yesterday and other times, I believe he has no serious
22 objection with the factual proposition that Mr.
Charles
23 O'Nesti is deceased.
24 Secondly, your Honor, we have given the
Congressman a
25 copy of a letter dated February the 5, 2002, from Mr.
James

1 M. Kersey, who is the attorney for Henry DiBlasio in
2 criminal case Number 1:02CR003, which is a case that
is
3 pending before your Honor against Mr. DiBlasio. And
4 Mr. Kersey has informed the Government that his client
will
5 refuse to testify on Fifth Amendment grounds and has
sent
6 us a letter to that effect, which I would share with
the
7 court at this time.

8 The Government, of course, since Mr. DiBlasio
has
9 Sixth Amendment right to counsel and cannot contact
Mr.
10 DiBlasio directly, the Government honored that Sixth
11 Amendment privilege of Mr. DiBlasio, and we contacted
his
12 attorney to obtain his client's views and whether or
not he
13 would testify.

14 MR. TRAFICANT: Mr. DiBlasio has not yet
15 taken the Fifth Amendment and still a possibility
after my
16 conversation with counsel yesterday that they will be
17 reconsidering whether or not Mr. DiBlasio will be made
18 available for cross-examination, but that's not the
issue
19 here. The issue --

20 THE COURT: They've taken you to a
21 different -- they're actually making a different
response.

22 MR. TRAFICANT: Okay, okay.

23 THE COURT: To you. I think what
they're

24 saying, we've got these two things we need to talk
about,

25 and you've raised the issue that we need to talk
about,

1 something that's related to these.

2 MR. TRAFICANT: Yes.

3 THE COURT: Okay.

4 MR. MORFORD: One other thing, your
Honor, as

5 to the statements that Mr. O'Nesti made to Agent
Pikunas as

6 in our original motion, we made it clear that is
hearsay,

7 and that cannot be used to prove the truth of the
matter

8 asserted. However, we also noted that to the extent
that

9 Congressman Traficant puts the Government's state of
mind

10 at issue in the case, that it can be admitted as
evidence,

11 not to prove the truth of the matter asserted, but to
show

12 the mental state of the Government, and I would note
for

13 the Court that I don't want to raise that now, but
that we

14 will file a supplemental motion on that.

15 There's a Sixth Circuit case that just came out
this

16 week involving the Adventures Motorcycle Gang where
the

17 Sixth Circuit approved that specific type of evidence
and

18 that specific situation. We'll brief that with the
court.

19 I don't want to get into that now, but I want to
note

20 for purposes of clarity on the record so Congressman

while 21 Traficant is not confused by what we're saying, that
bed 22 we agree that the statements of O'Nesti on his death
of 23 are hearsay and we're not offering them for the truth
to 24 the matter asserted and it's not an issue with regard
And 25 the next witness or Ms. Kavulic, it may come up later.

it at 1 that's the only reason I mention it, not to litigate
2 this point but to make sure he understands that.
3 MR. TRAFICANT: Let me see what I
understand.
4 First they say, they're not going to use any of those
tapes
5 from the fruit basket ploy. Now they're saying they
may
6 bring up an issue to even make that possible.
7 THE COURT: Well, actually, they did say
that
8 in their responses going way back, more than once, I
think.
9 They -- they made the point -- they made the point in
the
10 papers they filed before we even started the trial,
that it
11 wasn't their intent to call this person. They
recognize
12 that there are hearsay issues. They're going forward
now
13 to try and establish a foundation.
14 MR. TRAFICANT: Yes.
15 THE COURT: On two separate witnesses
and two
16 separate circumstances. One of them -- let me deal
with
17 the one with the letter from the attorney first. And
that
18 is that I understand this is the letter, and I don't
take
19 any issue with it, but this person would still have to
come

20 forward and actually come into court. A letter is not

21 sufficient.

22 MR. MORFORD: Your Honor, most judges

that

23 I've been before will usually have the witness in a

voir

24 dire situation outside the jury's presence.

25 THE COURT: Right.

going 1 MR. MORFORD: Indicate whether they're
2 to take the fifth. We would have no issue.

3 THE COURT: I guess what I need to say
4 you, so that it's clear also to the Congressman, that
5 letter itself is not sufficient, okay. So let's --
6 leave this issue for now because they have to do more.

7 MR. TRAFICANT: Let's get to the issue
8 have at point. Let's say witness A comes in and says
9 Traficant is a transvestite. That's their statement.

10 THE COURT: That's right.

11 MR. TRAFICANT: They can come in and say
12 anything. Mr. O'Nesti is dead, the Government clearly
13 shows from their correspondence and the documentation
14 the court that they went to him January the 6, several
15 weeks before he died, they felt he was coherent, and
16 had a distinct, willful, knowledgeable purpose to
17 him, and that was to, in fact, attain a statement to
18 further their case.

19 I believe under the Rules of Evidence, 401, 402,
403,
20 this business about making statements against favor,
that

in, 21 they're saying that's why I did not want to bring it
22 clearly required them, if they were to do that,
knowing his 23 significance in this case, and he was near death, to
allow 24 the Defendant at that time, who was the key target, an
25 opportunity to be present and to depose -- on these
issues

1 now being salient to the case.

2 THE COURT: Congressman, I know this has

3 bothered you for quite awhile, and we talked about it

4 several times, not quite in this context, but about --

I

5 think it's important for you to also deal with the

timing

6 of all of this. And I'm going to let the Government

7 respond to what you're now saying because this is an

issue,

8 which has concerned you about whether or not the

Government

9 is doing something unfair here or something that --

10 MR. TRAFICANT: Illegal.

11 THE COURT: -- ought not to allow. I

was

12 going to say that, but you --

13 MR. TRAFICANT: You said unfair.

14 THE COURT: Well, that was --

15 MR. TRAFICANT: It's illegal.

16 THE COURT: That was the middle of my

17 sentence. If you interrupt me, it makes it difficult

to

18 know what I was saying.

19 Would you like to respond just to this issue?

20 MR. MORFORD: Yes.

21 Your Honor, we understood Mr. O'Nesti had

cancer.

22 Obviously, we had no idea when he would die, when he

would

23 not die, just as with Mr. Williams who has cancer. We
24 don't know when he may or may not die. We have no way
of
25 knowing that.

cannot 1 But under the rules of criminal procedure, we
O'Nesti 2 institute a deposition until there's a case. Mr.
3 died on February 29, 2000. This case was not indicted
4 until over a year and a half later.

5 THE COURT: That's the point,
Congressman, 6 that although we've talked about it in orders and
we've 7 actually ruled on this a couple different ways, that's
the 8 point that you should also focus on because although
you 9 may feel unfairness, there was no obligation on their
part 10 until we actually had a lawsuit. So you're asking
them to 11 have done something which they weren't in a position
to do.

12 MR. TRAFICANT: Let me make my statement
for 13 the record. I understand how you're going to rule
now. 14 You've previously ruled, in which I'm going to object
to in 15 advance knowing how you are going to rule.

16 The Government clearly knew that this was the
last 17 foundation of their case. They waited until the very
18 minute with the fruit basket ploy to pigeon hole this
19 fellow and to get something they thought would even be
more

making 20 incriminating, and furthermore, tried to say he was
interest, 21 an interesting -- a statement against his own
was a 22 then at some particular point, they don't feel there
23 statement made against interest, and that, in fact, it
to go 24 looked like he was trying to curry favors to not have
25 to a medical facility.

So all 1 So what he said was not necessarily relevant.
taking 2 of a sudden they take a different tact. Now they're
dead, 3 that Joe Blow was told by this individual, who is now
to 4 and I have no opportunity to examine this person, but
somebody 5 accept what somebody says is clearly hearsay from
furthermore, 6 who is now deceased. I object to that, and
7 the timing of this is insignificant.
8 Records will show, as early as 1996, they had a
several 9 strong investigation going where they had more than
and 10 witnesses. They already discussed the Traficant case
matter, 11 was clearly a target and focus of the Traficant
have 12 five, six years before Mr. O'Nesti died. They could
13 had at some particular point, and even at that point,
and 14 knowing that the Traficant case was clearly a target,
been 15 after the Traficant matter had been -- records had
and 16 subpoenaed, now goes to Mr. O'Nesti at the last minute
O'Nesti's 17 puts in their language that their attorney, Mr.
the 18 attorney, proves it because he got along so well with
manner 19 Government, and the agent appeared in a sympathetic

20 with a fruit basket, with a quotation that was even
21 purchased with his own money, as if the Government had
no 22 knowledge.
23 Now, second of all, I get a notice as I said on
24 January 16th, after delay of the mail and all of this
other 25 crap, but the point of the matter is clear that when
Mr.

1 Pikunas went on January 6thth, he went in the
direction of
2 the United States Attorney's Office. I have
corroborated
3 that and will present evidence, but the problem is
you're
4 allowing people to bring hearsay into this trial from
dead
5 people that I have no opportunity to cross. And all I
have
6 to do is be subject to any damn thing they might say.
7 MR. MORFORD: Your Honor, these aren't
rules
8 that were created for Congressman Traficant's trial.
These
9 rules apply to every single American in this country.
And
10 all we're asking the Court to do is to apply the same
rules
11 to this Congressman that the courts apply to every
other
12 Defendant. The Rules of Evidence are clear. We've
13 addressed those rules. That's Number 1.
14 Number 2, this investigation did not start until
the
15 fall of 1999 period.
16 Number 3 --
17 MR. TRAFICANT: That is your statement
for
18 the record.
19 MR. MORFORD: Yes, it is.
20 MR. TRAFICANT: Fine.
21 MR. MORFORD: Number 3, regardless of
the --

just 22 if the interview with Mr. O'Nesti had never been done,
purpose 23 set that aside and assume for a moment that for the
24 of this argument there was no further contact with
25 Mr. O'Nesti, that Mr. O'Nesti died before we ever had
a

under 1 chance to talk to him, these statements would come in
that 2 the Rules of Evidence and those later statements, and
3 later interview has nothing to do with this issue
4 whatsoever.

5 MR. TRAFICANT: I believe that the
matter of 6 hearsay under the rules of criminal evidence of
hearsay do 7 apply. And I believe --

8 THE COURT: Well, they do apply in this
case, 9 and we are applying them, and so we'll -- I'll rule on
this 10 one consistently with what I've said before in terms
of the 11 timing of this. We will accept the death certificate
of 12 Mr. O'Nesti. On the other issue, we'll reserve every
13 ruling on that until somebody brings this gentleman
before 14 us so that we can actually have an inquiry.

15 Now, as I understand it, we have continuing
testimony 16 from bank witness who we recessed in the middle of
17 yesterday, and I'd like to go forward with that. At
the 18 conclusion of that testimony, we may or may not be at
a 19 place where we can take a break. Who are your next
20 witnesses so he knows?

Jackie 21 MR. MORFORD: I told him this morning,
22 Bobby.
23 THE COURT: Okay, Jackie Bobby.
for 24 MR. MORFORD: She is actually in Florida
25 this month. We brought her up yesterday.

1 THE COURT: Okay.

2 MR. MORFORD: She's here today. I think
what

3 it sounds like we're going to have to do is bring Mr.
4 DiBlasio in Florida up on Tuesday, and what we'll
probably

5 do is have to put on all of Ms. Bobby's testimony
except

6 for that point and bring her back on Tuesday, I guess
and

7 bring Mr. DiBlasio back on Tuesday.

8 THE COURT: The jury's only going to be
here

9 until noon, but we -- we have to be here as long as it

10 takes today. So it may be that something like this
issue

11 with Kersey's letter, Jim Kersey's letter could be
resolved

12 this afternoon if you bring somebody over this
afternoon.

13 I don't know, but we -- we should be in --

14 MR. MORFORD: The problem is, if we have
to

15 bring Mr. DiBlasio in, he's in Florida, we're going to
have

16 to fly him up to do this or do it by teleconference.

17 THE COURT: No, you need to bring the
witness

18 up.

19 MR. MORFORD: That's what I thought, so
we

20 would have to complete this witness' testimony and
bring

here 21 this witness back on Tuesday and have Mr. DiBlasio
22 before she completes her testimony, I guess.
23 THE COURT: Okay. All right. Well,
let's go 24 with the bank witness, and then we'll stop after the
bank 25 witness and see where we are with the day.

433

1 MR. MORFORD: Okay.

on 2 MR. TRAFICANT: So you have yet to rule
to 3 their motion to allow this witness, or you are going
4 rule?

5 THE COURT: Which witness?

6 MR. TRAFICANT: Jacqueline Bobby, you're
7 going to allow them to bring this witness, that's your
8 decision?

objection 9 THE COURT: There hasn't been any
10 to bringing Jackie Bobby.

11 MR. TRAFICANT: I have objected to it.

a 12 THE COURT: You're objecting I think to
13 part of her testimony.

being a 14 MR. TRAFICANT: I'm objecting to her
15 witness relative to anything stated by Mr. O'Nesti.

part of 16 THE COURT: Okay. Well, that may be
other 17 her testimony. I assume they're bringing her up for
18 things as well; is that right?

19 MR. MORFORD: Yes.

testify. 20 THE COURT: Okay. So she's here to

her 21 MR. TRAFICANT: But are we here to say

22 statements relative to Mr. O'Nesti would not be
admissible,
23 is that what you're ruling or not?
24 THE COURT: That's what we're going to
take a
25 break for after we hear the bank witness, and we'll
deal

1 with that, and if we can, with anything from Kersey.

2 MR. MORFORD: Your Honor, I think based
on
3 your prior ruling, there is some foundation that will
have
4 to be set by Ms. Bobby regarding --

5 THE COURT: That's right.

6 MR. MORFORD: The circumstantial
guarantees
7 of trustworthiness issue, I don't think the Court
would be
8 able to make that determination until you've heard
that
9 portion of Mrs. Bobby's testimony. What I don't know
is if
10 the Court wants to do a voir dire on that issue
outside the
11 presence of the jury or just go ahead and have it in
front
12 of the jury, then take a break, and address the issue,
13 however the Court wants to do it.

14 THE COURT: All right. But she's here?

15 MR. MORFORD: Yes, she is.

16 THE COURT: So we can do either one.

17 MR. TRAFICANT: I object. Once you do
it in
18 front of the jury, it's entertained it, and the
purpose of
19 whether it's ruled yes or no, the jury's already had
the
20 benefit of hearing the damaging remarks.

21 THE COURT: You're talking about one
segment

22 of testimony.

23 MR. TRAFICANT: I object to her
testimony,

24 which is hearsay relative to anything she heard from
either

25 Henry DiBlasio or Charles O'Nesti period.

why I 1 MR. MORFORD: And, your Honor, that's
of the 2 suggested we put on a voir dire outside the presence
3 jury on that issue.
4 THE COURT: That's right.
to 5 MR. TRAFICANT: I believe we're supposed
6 close at noon.
sir. 7 THE COURT: The jury goes home at noon,
jury 8 MR. TRAFICANT: Yes, but I believe the
but the 9 goes home at noon, and I'm able to stay until 7:00,
front 10 point is, I object to any testimony being offered in
11 of a jury relative to anything said by either Henry
12 DiBlasio or Chuck O'Nesti to any of my staff.
that. 13 THE COURT: I think we all understand
14 Okay? Thank you.
15 MR. TRAFICANT: Thank you.
jury:) 16 (Proceedings resumed in the presence of the
17 THE COURT: Good morning.
18 THE JURY: Good morning.
19 THE COURT: Good morning.
20 THE WITNESS: Good morning.
21 THE COURT: You're still under oath.
22
23

24

25

1 DIRECT EXAMINATION OF MELINDA M. DAVIES (cont.)

2 BY MR. SMITH:

3 Q. Ms. Davies, when we broke yesterday, were we
4 examining in Government's Exhibit 124, a series of
checks
5 to Henry DiBlasio, a particular check dated July 31st
of
6 1996? You have that before you?

7 A. Yes, I do.

8 Q. All right.

9 And from any markings on that particular check,
are
10 you able to determine whether that was negotiated by
Home
11 Savings and Loan?

12 A. It was negotiated by Savings and Loan.

13 THE COURT: Can everyone hear this
witness?

14 THE JURY: Yes.

15 THE COURT: Okay. Thank you.

16 Q. Would you keep your voice up, please?

17 A. Yes.

18 Q. And where are those markings up on this
particular
19 check?

20 A. On the back of the check.

21 Q. And can you tell from those markings on what
date the
22 check was negotiated by your bank?

23 A. July 31, 1996.

24 Q. Now, if you would turn in conjunction with that

what 25 exhibit to Exhibit 1-28(2) on the counter before you,

1 is that particular document?

2 A. This is a checking account statement for H. A.

3 DiBlasio, and the time period is July 25th, 1996,
through

4 August 23, 1996.

5 Q. Does this bank statement, Government's Exhibit

6 1-28(2), cover the time period in which the check of
July

7 31, 1996, in Government's Exhibit 1-24, was
negotiated?

8 A. Yes, it does.

9 Q. Now, may I use the overhead, your Honor?

10 THE COURT: Yes.

11 BY MR. SMITH:

12 Q. Showing you Government's Exhibit 1-28.2 -- we'll

13 continue on while it warms up -- are you able to
determine

14 from Exhibit 1-28.2 whether the check negotiated on
July

15 the 31 of 1996 in Government's Exhibit 1-24, was
deposited

16 on the day that it was negotiated?

17 A. It was not.

18 Q. All right. And from Exhibit 1-28-2, tell us how
you

19 were able to determine that.

20 A. There is no deposit for July 31, 1996, upon that

21 checking account statement.

22 Q. On that checking account statement, which is

July the 23 Government's Exhibit 1-28.2, is there a deposit on
24 30th of 1996, the day before?
25 A. Yes, sir.

deposit? 1 Q. And what is the amount of that particular

2 A. \$5,178.

3 Q. Now, turning to Page 3 --

Number 4 MR. TRAFICANT: Excuse me, what Check

5 was that? For \$5,178?

question, 6 MR. SMITH: I have not asked that

7 your Honor.

8 MR. TRAFICANT: Okay.

question in 9 THE COURT: Please don't ask the

10 the middle of his examination.

11 MR. TRAFICANT: Thank you.

12 THE COURT: Thank you.

deposit 13 Q. On Page 3 of the Exhibit 1-28.2, is there a

14 item corresponding to that July 30, 1996, deposit of

15 \$5,178?

16 A. Yes, sir.

bank 17 Q. And is that item on Page 3 also a record of your

18 maintained in the ordinary course of business?

19 A. Yes, it is.

particular 20 Q. And am I displaying on the overhead that

21 deposit item?

22 A. Yes.

23 Q. All right. And what is that deposit item?

Ohio

- 24 A. It's a check from the auditor of the State of
- 25 for \$5,178, payable to Henry A. and Norma O. DiBlasio.

Exhibit 1 Q. Based upon the three pages of Government's
 2 1-28.2 and the check dated July the 31st of 1996 in
 3 Government's Exhibit 1-24, are you able to determine
was 4 whether the check bearing the date of July 31, 1996,
 5 any part that have July 30th deposit?
 6 A. It was not a part of that July 31 -- July 30th
 7 deposit.
 8 Q. Directing your attention next in that series of
you 9 checks constituting Government's Exhibit 1-24, would
 10 please find a check dated October the 31, 1996. It
should 11 be at the bottom of the same page we were just looking
at. 12 Do you have that before you?
 13 A. Yes, I do.
 14 Q. And are you able to determine whether or not
that 15 check was negotiated by Home Savings?
 16 A. Yes, it was.
 17 Q. And where are the markings that so indicate?
 18 A. On the back of the check.
 19 Q. On what date was that particular check
negotiated? 20 A. November 2, 1996.
 21 Q. Showing you Government's Exhibit 1-28.3 on the
 22 counter before you, do you recognize that document?
 23 A. Yes, I do. It's a copy of a checking account
 24 statement for H. A. DiBlasio.

25 Q. And what period does it cover?

1 A. It covers a time period from October 25, 1996,
2 through November 25, 1996.

3 Q. Does that checking account or statement cover
the
4 time period during which the -- October 31, 1996,
check was
5 negotiated?

6 A. Yes, sir, it does.

7 Q. Directing your attention to that checking
account
8 statement, is there, in fact, a deposit of the check
dated
9 October 31, 1996, reflected on that checking account
10 statement?

11 A. No, sir, I don't see that deposit.

12 Q. All right.

13 If you would please note on Exhibit 1-24 the
check
14 dated 10-31-96, what is the amount of the check?

15 A. \$4,20.41.

16 Q. That check was negotiated on what date?

17 A. On November 2.

18 Q. Now, if you'll look at the Exhibit 1-28.3, a
19 statement, is there a deposit on November the 2nd?

20 A. Yes.

21 Q. And what is the amount?

22 A. \$4,200.41.

23 Q. Does that amount match exactly the amount on the
24 check, which bears the date of October 31, 1996?

25 A. Yes, sir, it does.

checking 1 Q. Now, if you'd go to the next entry on the
there a 2 account statement, Government's Exhibit 1-28.3, is
the 3 check drawn on the account two days later on November
4 4th?
5 A. Yes, sir, there is.
6 Q. In the amount of what?
7 A. \$1,000 even.
Exhibit 8 Q. And turning to the last page of Government's
9 1-28.3, do you have that before you?
10 A. Yes, I do.
11 Q. And what is that item?
12 A. It's a copy of check Number 852 for \$1,000.
drawn 13 Q. And is that a photocopy of the check that was
14 on the account, which is reflected as on the statement
15 that's being the November the 4th check?
16 A. Yes, sir, it is.
Exhibit 17 Q. Based upon the statement that you have in
18 1-28.3 and the corresponding \$1,000 check, would you
please 19 describe for the jury what happened in that
transaction, 20 from the paperwork?
21 A. From the paperwork, this check was cashed by H.
A. 22 DiBlasio, and it's in the amount of \$1,000.

- 23 Q. Who was the check made out to?
- 24 A. That's difficult to read on this copy.
- 25 Q. Are you unable to read it?

1 A. I'm unable to read it.

2 Q. Moving on to Government's Exhibit 1-24, if you
could
3 find in the pile, the check dated November the 29th,
1996,
4 do you have that before you?

5 A. Yes, I do.

6 Q. And from the markings on the check, are you able
to
7 determine whether or not it was negotiated by Home
Savings?

8 A. It was negotiated at Home Savings.

9 Q. And what date was it negotiated on, I'm sorry?

10 A. December 2, 1996.

11 Q. And directing your attention to Exhibit 1-28(4),
do
12 you recognize that evidence?

13 A. Yes, it's a copy of the checking account
statement
14 for H. A. DiBlasio.

15 Q. And what time period does it cover?

16 A. November 25, 1996, through December 24, 1996.

17 Q. Does this statement cover the time period during
18 which the November 29, 1996 check was negotiated?

19 A. Yes, sir, it does.

20 Q. Does the checking account statement, Exhibit 1-
28.4,
21 reflect any deposit on December the 12 of 1996 --
excuse
22 me, November the -- withdrawn.

reflect 23 Does the checking account statement 1-28.4
24 any deposit on the date December the 2nd, 1996?
25 A. No, sir, it does not.

check, 1 Q. Were the proceeds of the November 29, 1996
negotiated? 2 deposited into the account on the date it was
3 A. No, sir.
4 Q. Moving on to Government's Exhibit 1-24, and if
you 5 will find a check dated December the 20 of 1996, from
6 markings on that check, are you able to determine
whether 7 or not it was negotiated by Home Savings?
8 A. Yes, sir, it was.
9 Q. And on what date was that check negotiated?
10 A. January 8th, 1997.
11 Q. Directing your attention to Government's Exhibit
12 1-28.5 on the counter before you, do you recognize
that 13 document?
14 A. Yes, it's copy of the checking account statement
for 15 H. A. DiBlasio.
16 Q. And what is the time period covered by that
17 statement?
18 A. December 24, 1996, through January 24, 1997.
19 Q. Now, first of all, going back to the check dated
20 December the 20th, 1996, in Government's Exhibit 1-24,
what 21 is the amount of that check?
22 A. \$4,367.84.

the 23 Q. Are there any deposits to the account on January
24 8th, 1997, the date that particular check was
negotiated?
25 A. Yes, sir.

deposit? 1 Q. All right. And what is the amount of that

2 A. \$2,147 even.

3 Q. All right.

4 And from the other documents that are part of

5 Government's Exhibit 1-28.5, are you able to determine

what 6 the deposit items were that composed that January 8,

1997, 7 deposit?

8 A. Yes, sir, I am.

9 Q. All right. Would you please describe what those

10 deposit items were that comprised the January 8, 1997,

11 deposit?

12 A. There were three separate checks. The one

amount was 13 for \$1,750, a second check was for \$125, and a third

check 14 was for \$272, those three added together total \$2,147.

15 Q. Now, in Government's Exhibit 124, that check

dated 16 December the 20, 1996, the back of that check

indicates 17 that it was also negotiated on January 8, 1997; is

that 18 correct?

19 A. That's correct.

20 Q. From the documentation you have, are you able to

21 determine whether the December 20, 1996, payroll to

Henry

22 DiBlasio was at any part the deposit reflected on
23 Government's Exhibit 1-28.5 on January 8th?
24 A. It was not any part of that deposit.
25 Q. Or it was the three other items constitute that

1 deposit?

2 A. That's correct.

3 Q. So were the proceeds of December 20, 1996,
check, in
4 Government's Exhibit 1-24, were the proceeds of that
check
5 deposited at the time it was negotiated?

6 A. No, sir.

7 Q. Finally, turning to Government's Exhibit 1-24, a
8 check dated August the 31st of 1998, you'll have to
come
9 forward several pages in your exhibit.

10 Do you have that check before you?

11 A. Yes, I do.

12 Q. Are you able to determine from markings on that
13 check, whether or not it was negotiated by Home
Savings?

14 A. Yes, it was.

15 Q. And on what date was it negotiated?

16 A. On September 1st, 1998.

17 Q. Directing your attention to Government's Exhibit
18 1-28(6), do you recognize that item?

19 A. Yes, it's a copy of a checking account statement
for
20 H. A. DiBlasio.

21 Q. And what time period does it cover?

22 A. It covers the time period August 25, 1998,
through
23 September 25th, 1998.

24 Q. Does that statement cover the time period during
25 which the August 31, 1998, check was negotiated?

1 A. Yes, sir, it does.

2 Q. Looking at that statement, are you able to
determine
3 whether the proceeds of the August 31, 1998, check
were
4 deposited to the account at the time that the check
was
5 negotiated?

6 A. They were not deposited.

7 Q. And how can you tell?

8 A. There was no deposit during this time frame on
his
9 account.

10 Q. What time frame are you talking about?

11 A. August 25 through September 25th, 1998.

12 Q. So were there any deposits at all to the account
that
13 entire month?

14 A. No, sir.

15 MR. SMITH: May we have a moment, your
Honor?

16 No further questions, your Honor.

17 THE COURT: Congressman, you can
inquire.

18 MR. TRAFICANT: Good morning.

19 THE WITNESS: Good morning.

20 CROSS-EXAMINATION OF MELINDA M. DAVIES

21 BY MR. TRAFICANT:

22 Q. And you are Melinda Davies?

23 A. That's correct.

24 Q. You work for the Home Savings and Loan?

25 A. That's correct.

for? 1 Q. What branch of Home Savings Loan do you work
2 A. I work at the main office.
3 Q. And where is that located?
4 A. In downtown Youngstown.
Savings 5 Q. Do you know if I have an account with Home
6 and Loan?
7 A. I'm not aware of that, sir.
Loan 8 Q. Have you ever seen me in the Home Savings and
9 building?
10 A. No, sir.
banking 11 Q. Do you know if Mr. DiBlasio has any other
12 accounts anywhere else?
I am 13 A. I'm aware of the accounts at Home Savings. And
14 not -- I don't know of other accounts.
checks, 15 Q. And your testimony is that he just cashed his
16 he didn't just deposit them, is that your testimony?
17 A. My testimony is that he cashed checks, and he
18 maintained an account at Home Savings, yes, sir.
19 Q. Yes, but instead of depositing these checks, he
20 basically cashed them and took cash, is that what
you're 21 saying?
22 A. That's correct.
23 Q. And what was the usual amount of those checks?

\$5,000. 24 A. They appear to range from about \$3,800 to

25 Q. Okay.

going 1 Now, I had a question mark here and things were
2 so fast I wasn't quite sure. They talked to you about
them, 3 three checks that were made out, had signatures on
4 and hard to read. You said they were hard to read.
best of 5 Do you know who those signatures were, to the
6 your knowledge, in trying to now figure them out?
one 7 A. There were three checks that were deposited at
and 8 point in time to his account. I can pull those out
9 look at those.
10 Q. Would you please?
11 A. I have them in front of me.
12 Q. And?
from 13 A. They are three separate checks. One check is
14 drawn on the Mahoning National Bank, the maker is
Anthony 15 Vivo, Clerk of Courts. That particular check was for
16 \$1,750, and it was payable to Henry A. DiBlasio.
17 Q. Okay.
18 A. The second check is written on the cash -- cash
19 resource trust, on an account of Henry A. and Norma
20 DiBlasio. That particular check was for -- that
particular 21 check is the \$1,750 check.
22 The third check is difficult to read. The copy
is

maker of 23 very difficult to read. I can't make out who the
 24 the check is.
 25 Q. What was the --

1 A. Endorsed by H. A. DiBlasio.

2 Q. Everything endorsed by him and deposited.

3 You have any record of a \$3,000 cashier check --

4 first of all, do you know who I am?

5 A. Yes, sir, Congressman Traficant.

6 Q. Did you vote for me?

7 MR. SMITH: Objection.

8 MR. TRAFICANT: I apologize.

9 THE COURT: Thank you.

10 BY MR. TRAFICANT:

11 Q. I wish you did, but anyway, did you have -- or
did

12 Mr. DiBlasio cash a cashier check made out in the
amount of

13 \$3,000, paid to him by Jim Traficant?

14 A. I have no knowledge of his checks, sir.

15 Q. Could you, in fact, inquire and look into your
16 records and report back to the Court if, in fact, the
17 cashier check notice amount of \$3,000, paid to Henry
18 DiBlasio, by Jim Traficant was ever deposited or in
fact
19 cashed?

20 MR. SMITH: I'll object.

21 THE COURT: This is cross-examination.
This

22 is the time to do something that a person or a lawyer
can

23 do in a regular court. It's nothing to prevent the
24 Defendant from calling this witness or from
subpoenaing her

25 for some reasons in his own case if he wishes to.

Davies - Cross

1 MR. TRAFICANT: I can reserve --

2 THE COURT: He cannot direct her to do
3 something in front of the court.

4 MR. TRAFICANT: Then I could ask the
5 Defendant --

6 THE COURT: No, we will do this, -- talk

7 about it at the break if you want me to clarify what
your
8 understanding may be or what your you're concerned
about in
9 terms of the Rules of Evidence or something. We'll
handle
10 those during the break. Let's go forward with the
11 testimony of this witness now.

12 MR. TRAFICANT: Okay.

13 THE COURT: Thank you.

14 BY MR. TRAFICANT:

15 Q. Are there other individuals who cash their
checks at
16 your bank?

17 A. Yes, sir.

18 MR. TRAFICANT: No further questions.
Thank
19 you.

20 MR. SMITH: No redirect.

21 THE COURT: Thank you. You're excused.

22 MR. TRAFICANT: I would request a side
bar
23 before the next witness, please.

24 THE COURT: Okay.

take

25

THE COURT: She can come up. If you'll

451

be 1 the stand, we have a request for a side bar so it'll
Just 2 just a few minutes. You need to sit up here as well.
3 have a seat. Thank you.
bar:) 4 (The following proceedings were held at side
request of 5 MR. TRAFICANT: Number 1, I would
hear the 6 my staff member Donnette Palmer be removed and not
7 testimony of her witness.
8 THE COURT: You just tell her to leave.
upon 9 MR. TRAFICANT: Yes, I want it placed
10 the record.
11 THE COURT: Okay.
want to 12 MR. TRAFICANT: And second of all, I
13 reaffirm my objection to this individual testifying.
14 THE COURT: Okay.
15 MR. TRAFICANT: On anything relevant to
16 statements of Mr. DiBlasio or Mr. O'Nesti.
17 THE COURT: All right.
record as 18 MR. MORFORD: May I inquire on the
19 to why he needs to remove something for a particular
other 20 witness' testimony when they've been here through
21 witness' testimony?
22 MR. TRAFICANT: I can respond.

he 23 THE COURT: Because he wants to do that,

24 wants to remove his own staff people from the
courtroom.

25 MR. TRAFICANT: I'd like to respond.
The

1 other testimony that was in this case was not relevant
or
2 had nothing to do with the knowledge of a staff
member.

3 This staff member may have --

4 THE COURT: Look at the ceiling. Don't
5 listen, okay.

6 (Laughter.)

7 MR. TRAFICANT: This staff member may
have
8 specific knowledge and may be called as a witness to
9 testimony given and do not want her to hear such
testimony.

10 THE COURT: That's your decision about
11 whether you take her out or not. Let me just let him
12 respond now, and we'll try and get this straight at
lunch,
13 this business about who's in and who's out of the
14 courtroom. Go ahead, but you can have her go.

15 MR. TRAFICANT: But the reason was, she
may
16 be called as a witness in reference to something this
17 witness may, in fact, testify to.

18 THE COURT: Okay.

19 MR. TRAFICANT: And I do not want the
Court
20 to say, well, she had listened to the testimony,
therefore,
21 she -- she has made such statements just notifying the
22 Court I'm going to remove her.

23 THE COURT: Thank you.

question 24

MR. MORFORD: The reason I asked the

witnesses 25

is Congressman Traficant moved to sequester all

requested 1 inside this case in response to his motion. We
2 permission to have two case agents present during the
3 trial, he did not object. That's why they were in
this 4 courtroom. Yesterday, he admitted on the record that
one 5 of his witnesses he intends to call was in the
downstairs 6 room watching.

7 MR. TRAFICANT: No, I didn't admit to
that. 8 I didn't know they were, if they were at all.

9 MR. MORFORD: Okay. Well, and we made a
10 point that he needs to inform his employees. Now, he
has 11 known this was someone we might call, and he's had her
in 12 the courtroom throughout the trial, even though it was
his 13 motion to sequester witnesses. He refused to provide
the 14 Court with a list of names that could be read to the
jury 15 to see if they might recognize any of those people.
And 16 the Court allowed him to do that because he didn't
want to 17 show his defense. But he has moved.

18 MR. TRAFICANT: I object to that.

19 MR. MORFORD: I'm talking. He has moved
to 20 keep all witnesses that are going to testify in this
case

object, 21 from hearing any testimony, his motion, we did not
the 22 and now he has violated his own request of the ruling
I 23 Court gave him, and I just want it on the record, and
who 24 want him to police any witnesses as we have no idea
keep 25 they are. He has a duty because it's his motion to

1 his witnesses out of this trial because it's his
motion.
2 MR. TRAFICANT: Your Honor, the witness
that
3 was in here had at that particular time no relevant
4 information on anybody to offer.
5 THE COURT: Who is that so I know who it
is?
6 MR. TRAFICANT: Donnette Palmer. Now,
what I
7 am --
8 THE COURT: This is your secretary or
staff
9 member?
10 MR. TRAFICANT: One of my staff
assistants,
11 but now there is a situation where she could be called
12 relative to certain statements that would be made,
and I
13 am notifying the Court of such.
14 THE COURT: Well, good, and you're
removing
15 her.
16 MR. TRAFICANT: I'm going to remove her.
17 THE COURT: Fine.
18 MR. TRAFICANT: Yes, but I also want to
place
19 on the record that I have two people of my staff that
20 delivered pictures to me yesterday that I did not use
21 yesterday, and now I did not instruct them to go
22 downstairs, and I'm under no impression they were

there, 23 downstairs, and if they were, they were not to be
-- 24 and I will notify my staff they should not do it, but
call 25 THE COURT: Well, if you're going to

455

that's 1 them -- if you're going to call them as witnesses,
2 the point.

3 MR. TRAFICANT: Let me say this.

going 4 THE COURT: None of us know who you're
5 to call except you.

6 MR. TRAFICANT: I objected to having a
man 7 closed-circuit video in the first place. I was the
8 that objected to this because it opened up that
process, I 9 didn't want it.

10 THE COURT: It is an open process, we
have an 11 open court. It's to protect the Defendant as well as
the 12 Government.

13 MR. TRAFICANT: Now it becomes
problematic 14 where one can accuse someone of having the FBI sitting
down 15 there, I don't know who they are, so I couldn't
identify 16 them.

17 MR. MORFORD: My point here, your Honor,
is 18 if he moves to sequester witnesses, you have a duty to
tell 19 anyone who you might potentially call to stay out of
the 20 trial and to stay out of that room. It's not hard to
do.

pretty 21 He knows who his staff members are, and he has a
he 22 good idea who he is a going to call based on questions
23 has asked and opening statement.
that's 24 All we're asking him to do is to tell anybody
25 a potential witness of his that they cannot sit in the

1 trial, or he needs to remove his motion to sequester
2 witnesses.

3 MR. TRAFICANT: You're assuming that I
did
4 not do that, and you're, in fact, accusing me that I
have
5 not done that.

6 MR. MORFORD: Did you do that?

7 MR. TRAFICANT: I object to that.

8 MR. MORFORD: Did you?

9 MR. TRAFICANT: No. I have notified
him.

10 Yes, they should not come into the trial. I don't
know if

11 I said don't go downstairs, I never thought about
12 downstairs, quite frankly, but I said do not come into
the
13 trial. You can't come into this trial.

14 THE COURT: Well, you'll need to tell
them

15 then about the overflow room. Okay. Tell them.

16 MR. TRAFICANT: Yeah, but I, once again,
17 raise an objection to the overflow room.

18 THE COURT: I know -- I know.

19 MR. TRAFICANT: There are more than
enough

20 seats here, your Honor, to accommodate any interest in
this
21 jury and in this trial, and I think you should
eliminate

22 that, and let's save us from that.

lot 23 THE COURT: Well, actually, there are a
24 of people using the overflow court room for different
25 reasons. They can leave when they want to, they can
be

457

Bobby - Direct

the --

1 more relaxed down there, and so both the public and

2 MR. TRAFICANT: With that, I'm going to

why,

3 remove Donnette. I want to let you know the reason

4 and that I have.

5 THE COURT: All right. Thank you.

jury:)

6 (Proceedings resumed within the hearing of the

7 THE COURT: I need to swear the witness.

8 Would you raise your right hand?

9 JACQUELINE M. BOBBY,

Government,

10 of lawful age, a witness called by the

11 being first duly sworn, was examined

12 and testified as follows:

13 DIRECT EXAMINATION OF JACQUELINE M. BOBBY

14 BY MR. SMITH:

spelling

15 Q. Ma'am, would you please state your full name

16 your last name for the Court Reporter?

17 A. Jacqueline M. Bobby, B-O-B-B-Y.

18 Q. What city do you currently reside?

19 A. Poland, Ohio.

20 Q. Where is that at?

21 A. It's south of Youngstown.

22 Q. How far?

23 A. Five miles.

24 Q. Ma'am, did you ever work at the Mahoning County

Bobby - Direct

County

1 A. Yes, I did.

2 Q. And what years did you work at the Mahoning

3 Sheriff's Office?

4 A. 1981 to 1984.

5 Q. And who was the sheriff during the time period

you

6 worked there?

7 A. Jim Traficant.

8 Q. How did you initially meet Congressman

Traficant?

9 A. I met him through a friend of mine. I was asked

to

10 come to a campaign meeting and consequently got

involved as

11 politics at that point.

12 Q. And who hired you in the Sheriff's Office?

13 A. Jim Traficant.

14 Q. What were your duties at the Sheriff's Office?

15 A. I was the office manager, which included, you

know,

16 managing the office, of the mail, taking care of the

office

17 equipment, taking care of logging time for the

employees.

18 Q. In 1985, did your employment change?

19 A. Yes, I was employed by Congressman Jim

Traficant.

20 Q. After he was elected?

21 A. Yes.

22 Q. And how long were you on Congressman Traficant's

23 staff?

24 A. Until May, 1998, yes.

25 Q. And what duties did you perform at Congressman's

Bobby - Direct

1 office from 1985 until 1998?

2 A. I was the office manager there as well, which
3 involved again taking care of the office equipment,
4 maintaining it, opening the incoming mail,
distributing

5 mail and case work to the employees. I also was
involved
6 with typing outgoing mail for the employees and
myself.

7 I was in charge of the nominations for the
academy.

8 I was to take care of the congressional art contest,
9 employee records, vacation time, sick time.

10 Q. You mentioned academies. Will you explain more
to
11 the jury what you mean by that.

12 A. The -- service academies for the United States
and

13 Naval Academy, West Point, they had not -- the
Congressman

14 was allowed to appoint so many students per year to
15 compete, to enter this academy, so we had a committee
that

16 I was in charge of that we interviewed students prior
to
17 them being accepted at the academies.

18 Q. Were you involved at all in constituent service
19 matters as part of your duties?

20 A. Yes.

21 Q. Would you tell us what that was.

22 A. Constituent service is -- well, any federal

with, 23 government agency that people were having problems
couldn't 24 say social security, if the checks were lost, they
would 25 get the right amount of benefits for that month, they

460

Bobby - Direct

with 1 contact us. The IRS, if they were having problems
Veteran's 2 their tax return or not getting a tax return, the
agency 3 Administration, Government loans, student loans, any
4 of the federal government, we were liaison between the
agencies. 5 people in the district and the federal government

office 6 Q. How much of that type of work did the district
7 in Mahoning County do, typical week?

8 A. The district office?

9 Q. Right.

the 10 A. Probably about 90 percent of it, because the --
11 constituents were in the district, and it was an
12 understanding that Washington took care of
legislation, and 13 the district offices took care of constituent
concerns.

Traficant 14 Q. During the time you worked for Congressman
15 at his constitutional office, where was his residence
at?

16 A. His residence was in Poland, Ohio.

17 Q. And was there any other real estate which you
18 associated with the Congressman Traficant during that
time 19 period?

in 20 A. Okay. He had -- he owned, I believe, a farm out
21 Greenford.

22 Q. Where is Greenford located to Youngstown?

probably 23 A. Also south of Youngstown. It's a farm area

of 24 about ten miles from the city, 15 miles from the city

25 Youngstown.

Bobby - Direct

1 Q. During the time you worked for Congressman
Traficant,
2 does the telephone number Area Code 202-225-5261 mean
3 anything to you?
4 A. Yes, that was his Washington, D.C. office.
5 Q. His D.C. office?
6 A. Traficant, Congressman Traficant's office.
7 Q. Did the telephone Number 330-743-1914 mean
anything
8 during the time you worked for him?
9 A. That was the downtown Youngstown congressional
10 office.
11 Q. Did the telephone Number 330-757-8891 mean
anything?
12 A. I think that was the Congressman's personal
13 residence.
14 Q. And the telephone Number 330-533-0959?
15 A. I believes that was the farm out in Greenford.
16 Q. All right.
17 When you started working for the Congressman in
1985,
18 at which office location did you work?
19 A. Overhill Road in Boardman.
20 Q. And how far is that office from downtown
Youngstown,
21 approximately?
22 A. Two to three miles.
23 Q. How many story building is this building on
Overhill?
24 A. On Overhill?

25 Q. Yeah.

Bobby - Direct

1 A. Two floors, it's a basement floor and a main
floor.

2 Q. Would you describe the layout of this building,
3 starting at the bottom floor and the upper floor?

4 A. We came in in the door, you could either go up a
set
5 of stairs, on to the main floor, or down a set to the
6 basement area. The bottom floor, cellar floor.

7 Q. What was on the bottom?

8 A. Congressional office was on the bottom floor.
You
9 walk in, and there was a little hallway a waiting
room,
10 about three offices, and if you would go upstairs, the
11 Attorney's offices were above the congressional
office.

12 Q. All right. Whose Attorney's Office are you
talking
13 about?

14 A. Attorney DiBlasio, and there were a couple
partners
15 in with him at various times.

16 Q. Anybody else from that office up on the second
floor?

17 A. In with --

18 Q. No, any other offices?

19 A. Congressman had an office, and in the rear part
of
20 the second floor, attorney office space.

21 THE COURT: Let me just interrupt for a
moment

were 22 and say that we just had an occasion where two people
hard 23 talking at one time, and as you can imagine, it's very
once. 24 for the reporters to put down two conversations at
it's 25 So I want to ask everybody who's talking here, also

463

Bobby - Direct

1 harder for the jury to understand when there are two
voices 2 talking alternate one time, so let's just slow down.

3 MR. SMITH: I apologize, that was my
fault.

4 THE COURT: Thank you.

5 Q. What was below that -- that second floor offices
of

6 Congressman Traficant's?

7 A. A garage.

8 Q. And who had parking privileges in that garage?

9 A. Attorney DiBlasio and Congressman Traficant.

10 Q. Was there any security or locks on Congressman
11 Traficant's second floor office?

12 A. Yes.

13 Q. Who had the keys to that office?

14 A. Congressman Traficant.

15 Q. Did you or any of the staff members down in the
lower 16 floor have the keys to that office?

17 A. Not that I'm aware of.

18 MR. TRAFICANT: I didn't hear that
answer.

19 THE WITNESS: No, not that I'm aware of.

20 Q. As part of his duties, was it necessary for
21 Congressman Traficant to travel out of state?

22 A. Yes, to Washington.

23 Q. Where did he go?

24 A. Washington.

25 Q. How often?

Bobby - Direct

there 1 A. When the House was in session, he travelled
2 weekly, back and forth.
3 Q. Were any other employees required to travel from
time 4 Youngstown to the Washington D.C. office during the
5 that you worked for the Congressman?
Henry 6 A. At the very beginning, it was Chuck O'Nesti and
him. 7 DiBlasio's job. They were going back and forth with
8 It was their responsibility.
procedures 9 Q. At the 11 Overhill office, what were the
he'd 10 for exchanging or giving mail to the Congressman that
11 get?
he was 12 A. His -- when we needed to give him mail because
13 not there every week, we would put it in a yellow
14 congressional envelope, manila envelope, and put it
one 15 upstairs in his -- there was like a doorway, there was
then a 16 door that was not locked, a little hallway area, and
17 locked door. We would leave it there in the --
between the 18 two door ways.
19 Q. When Congressman Traficant was in the district,
did 20 you ever have need to contact him when he was not at
the 21 office?

22 A. Yes.

23 Q. And where were places you would typically
contact him

24 at?

25 A. At his home or at his farm.

Bobby - Direct

contact 1 Q. And how would you do that? How would you
2 him?
3 A. We would call him on the telephone.

office 4 Q. Did there come a time when your congressional
5 at Overhill Road moved?
6 A. Yes, we moved down to the city of Youngstown in
the 7 Federal Building.

8 Q. And if you would direct your attention to
9 Government's Exhibit 1-13 on the counter before you,
do you 10 recognize that item?
11 A. Yes.

12 Q. What is it?
13 A. It's a memo that I sent to him, Mr. DiBlasio,
prior 14 to our move to the Federal Building downtown.

15 Q. When did this move occur?
16 A. January 4, 1994.

17 Q. At the time of the move from Overhill to
downtown, 18 who went downtown?
19 A. The employees when -- you want me to name them
all? 20 Q. To the degree you recall them, yes?

21 A. Chuck O'Nesti went downtown, Grace Yavorsky,
Sonny 22 Drummond, Anthony Traficanti, Josephine Hulett, that's

him, 23 who -- the Congressman did have an office reserved for
24 a personal office downtown, and let's see, Bob Barlow
25 stayed on Overhill Road.

Bobby - Direct

1 Q. Did anybody else besides --

hear the

2 MR. TRAFICANT: Excuse me. I didn't

3 last response.

on

4 THE WITNESS: I said Bob Barlow stayed

5 Overhill Road.

6 Q. What about Mr. DiBlasio, what did he do?

7 A. Mr. DiBlasio stayed on Overhill Road.

8 Q. And what about that second floor office of

Overhill

9 Congressman Traficant, what happened to that on

10 Road?

11 A. He stayed -- was still there.

12 Q. After the move to Overhill Road, was there any
13 incident concerning Mr. DiBlasio that occurred within

a

14 year or so thereafter at the downtown office?

it

15 A. Well, yes. It was -- it was -- we laughed about

16 at the time because Mr. DiBlasio went into the Federal

said

17 Building, and they wouldn't let him in because they

18 that they didn't recognize him.

Exhibit

19 Q. Directing your attention back to Government's

20 1-13, first of all, you testified you prepared this

21 document; is that correct?

22 A. Yes.

document

23 MR. TRAFICANT: The document -- what

24 number is that?

25 MR. SMITH: Exhibit 1-13.

Bobby - Direct

1 Q. What date does that document bear?

2 A. December 6, 1993.

December 3 Q. Did you prepare this document on or about
4 6th, 1993?

5 A. I believe so, yes.

the 6 Q. And did you maintain a copy of this document,
7 records of the congressional office?

8 A. I'm sure I did.

such 9 Q. It was your regular practice to maintain memos
10 as this in the files of the congressional office?

11 A. Yes.

concerns 12 Q. Now, in this memorandum, did you express any
13 to Mr. DiBlasio, particularly directing your attention
14 Paragraph 2 and 4?

15 A. Yes.

16 Q. What were the nature of your concerns?

here. As 17 A. Well, one was the cost for employee parking

be 18 it said, if anyone wants a side spot, it was going to

19 expensive. And in Number 4, we were talking about the

had 20 expenses for our office. You know, we had a budget we

21 to abide by here, and with the move, we had to get

to be 22 additional office equipment and furniture. So we had

23 very frugal with this, stay within the budget.

needed 24 Q. So money was an issue in terms of the office

move? 25 to stay within its budget during the time of this

Bobby - Direct

1 A. Yes.

2 Q. Thank you. You may set that aside.

3 In the Youngstown district office, who was the
4 highest ranking congressional staffer?

5 A. Attorney DiBlasio.

6 Q. And what was his title?

7 A. Administrative assistant.

8 Q. And who was the second highest ranking staffer
at the
9 Youngstown district office during the time that you
worked
10 there?

11 A. Chuck O'Nesti.

12 Q. And what was his title?

13 A. He had a few titles at various times. He was a
14 liaison between Washington, D.C. and Youngstown
district
15 director liaison, mostly district director assigned.

16 Q. Who was the highest paid staffer at the
Youngstown
17 district office?

18 A. I believe it was Henry DiBlasio.

19 Q. Who was the second highest paid staffer at the
20 Youngstown district office?

21 A. Chuck O'Nesti.

22 Q. When did you first meet Charles O'Nesti?

23 A. I met him probably some time when -- at the
Sheriff's
24 Department. He was head of the reserve offices,
probably

25 in 1981.

Bobby - Direct

respect 1 Q. And what duties did Mr. O'Nesti perform with
2 to the Mahoning County Sheriff's Office?
3 A. I think he was in charge of the reserve
deputies.
4 Q. Do you know?
5 A. Auxiliary deputies.
6 Q. Do you know what a reserve deputy was or at that
7 time?
8 A. Yes.
9 Q. Please explain --
for 10 A. They were a volunteer police officer that worked
11 the Sheriff's Department.
12 Q. And was Mr. O'Nesti acting in this capacity at
the 13 time the Congressman was sheriff?
14 A. I don't remember if he was -- I don't remember.
15 Q. All right.
Office 16 Was Mr. O'Nesti on the staff of the Sheriff's
17 at any time between the years 1981 and 1984, if you
18 remember?
19 A. Well, yes, he was in charge of the reserve
deputies.
20 Q. During the years 1981 through 1984?
21 A. Yes.
22 Q. And was Congressman Traficant the sheriff
between the 23 years 1981 and 1984?

24 A. Yes, yes.

as 25 Q. Can you describe the nature of the relationship

Bobby - Direct

Charles 1 you observed it between Congressman Traficant and
 2 O'Nesti during the time that you worked for the
 3 Congressman?
the 4 A. Well, Charlie -- Chuck O'Nesti was, I would say,
 5 Congressman's right-hand man and went with him,
accompanied 6 him to most events after the Congressman had to attend
 7 speaking engagements or -- he was probably the closest
 8 employee to him.
 9 Q. Who was closest to who?
probably 10 A. Congressman Traficant, Chuck O'Nesti were
 11 the closest.
 12 Q. Closest in --
 13 A. To each other.
office, 14 Q. In comparison to the other employees at the
 15 is that what you're comparing it to?
 16 A. Yes, yes.
would you 17 Q. And you say they were closest. In what way
 18 say they were closest?
to 19 A. Well, Chuck O'Nesti accompanied the Congressman
 20 most of the speaking engagements that he had to do
outside 21 the office and even during working times. He was with
him,

22 I would say, 90 percent of the time when he was in the

23 district or majority of the time.

24 Q. When did Charles O'Nesti come on the staff of
the

25 congressional office?

Bobby - Direct

1 A. When the Congressman took office in 1985.

2 Q. And when did Mr. O'Nesti leave the congressional
3 staff, approximately?

4 A. 1998, the spring, I think March, around his
birthday.

5 Q. In the last couple of years of Mr. O'Nesti's
6 life ,
7 did he have any health issues?

8 A. Mr. O'Nesti had cancer. He suffered for about
9 the
10 last two, maybe three years before he retired.

11 Q. Did Mr. O'Nesti's illness -- withdrawn.
12 Approximately when did this illness of Mr.
O'Nesti

13 manifest itself, in terms of how many years before he
14 retired?

15 A. I would say the year before he retired, he was -
- he
16 was getting chemotherapy more frequently, and he was -
- he
17 lost weight. He wasn't feeling as well as he had been
18 prior to that.

19 Q. Did that have any effect on his ability to
perform

20 his duties in that last year?

21 A. Yes, a lot. He was tired a lot, and he would
have
22 chemotherapy, and he would come into the office maybe
an

hour that day and then the next day just a few hours.

22 It -- it -- he was at home a lot at night.

23 Q. And were other employees required to take up
some

24 portion of his duties as a result of that?

25 A. Yes, we did, yes. I -- I think I probably took
up

Bobby - Direct

1 most of his responsibilities because Chuck and I had a
2 close working relationship, and it was easy for me to
do 3 the work that he was doing.

4 Q. During the time that you were employed by
Congressman 5 Traficant from 1985 until the spring of 1998 at his
6 congressional offices, did Mr. O'Nesti ever discuss
his pay 7 situation with you?

8 A. Yes, he did. He --

9 Q. When did he first begin discussing his pay
situation 10 with you?

11 A. He discussed his pay situation with me off and
on 12 from 1985 until he left because he talked about --

13 Q. Don't go into that yet. I'm just getting the
time 14 frame.

15 A. Okay.

16 Q. You stated the time frame; is that correct?

17 A. Yes.

18 Q. Where would these conversations occur?

19 A. In his office on -- on Chuck O'Nesti's office on
20 Overhill and at the Federal Building.

21 Q. Who was present when these conversations between
you 22 and Mr. O'Nesti occurred?

23 A. Probably the only other person that I can recall

24 would have been -- was Grace Yavorsky, Kavulic.

25 Q. Who was Grace Yavorsky Kavulic?

Bobby - Direct

1 A. She was Congressman's personal secretary.

2 THE COURT: I want to make sure the
spelling

3 comes through here for the reporter, can you Grace.

4 THE WITNESS: Grace Yavorsky,
5 Y-A-V-O-R-S-K-Y, and Kavulic, K-A-V-U-L-I-C.

6 THE COURT: Thank you.

7 Q. When was the last time before -- withdrawn.

8 Before Mr. O'Nesti retired, how long before that
was

9 the last time that you recall discussing his pay
situation
10 with him?

11 A. Probably within six months, prior to his
retirement.

12 Q. On the occasions Mr. O'Nesti discussed his pay
wages
13 with you, what did Mr. O'Nesti say?

14 A. Originally when he talked about renting the
apartment
15 in Washington, D.C., that he had to pay part of the
rent
16 and then when --

17 MR. SMITH: Your Honor, may we have a
side

18 bar for a second?

19 THE COURT: Yep. When that happens for
a

20 witness, you just have to kind of stop in the middle
of a

21 sentence, and the jury knows that that sometimes
happens

witness 22 because they've been here, but there's no way the
23 can know that. Just sit back and relax and now what's
24 happening, the lawyers and I have to talk about
something 25 that has to do with the law, and so we tell the jury
this,

474

Bobby - Direct

stretch, 1 and this applies to you, too, you can stand up,
soon 2 move around, whatever you want, and we'll be back as
3 as we can. Okay, just don't pay any attention to us

4 (The following proceedings were held at side
bar:)

5 MR. SMITH: Your Honor, the Government
has

6 laid the foundation for circumstantial guarantees of
7 trustworthiness so we understand we need to instruct
me

8 that I did not hear you order me to come to side bar
before

9 she answered the question I had put to her, but I
figure I 10 better come over here in case.

11 THE COURT: No, I think we need to
handle

12 this at a break without the jury present, and so you
were 13 very carefully putting the questions, and you were not

14 doing anything improper. But now we get to an area
where 15 you could. So we need to hold a hearing outside the

16 hearing of the jury. So I'm going to ask you to move
on to 17 some other topic.

18 MR. SMITH: Okay.

19 MR. TRAFICANT: Comment, comment. I did
not

20 object in front of this jury, but I now object to any

21 question of this witness relative to hearsay
conversations

22 she had about paychecks.

23 THE COURT: That's what we're going to
handle

24 it at the break, and that's -- that's -- I think you

25 understand this.

475

Bobby - Direct

- 1 MR. TRAFICANT: Also, advise this jury -
2 this Prosecutor that when he seems to find himself
with an 3 answer that doesn't look too good, he seems to sort of
4 change his mind, that I think he should go through
with his 5 questions.

6 THE COURT: Well, we would have to
instruct 7 the jury to not pay attention. What we're going to do
now 8 is go to some other topic, right?

9 MR. SMITH: I can do that, sure.

10 THE COURT: Do that, sure. And what
we'll do 11 is have a hearing outside the hearing of the jury, and
I 12 think you've got these rules down, now, Congressman?

13 MR. TRAFICANT: I do?

14 THE COURT: I know, I know.

15 MR. TRAFICANT: I'm talented. Thank you

16 (Proceedings resumed within the hearing of the
jury:)

17 MR. SMITH: I need to backtrack.

18 BY MR. SMITH:

19 Q. While you worked at Overhill Road, did you
experience 20 any maintenance problems, anything of that nature at
that 21 location?

22 A. Yes, we -- yeah.

23
problems?

Q. What were the nature of those maintenance

24 A. A few times we had to have locks changed on the

25 buildings, on the doors, and the roof on top of the

Bobby - Direct

1 Congressman's office because it leaked.

2 Q. With respect to those sorts of maintenance
problems,

3 who was responsible for taking care of those kinds of
4 problems?

5 A. Well, we would notify Henry DiBlasio.

6 Q. Based upon your observations, who appeared to
you,

7 during the time you worked at the 11 Overhill Road, to
be

8 responsible for the building management problems at
that

9 location on a day-to-day basis?

10 A. Henry DiBlasio.

11 Q. Do you recall approximately when Henry DiBlasio
came

12 on the staff?

13 A. January, 1985.

14 Q. And when you left in the spring of '98, was Mr.
15 DiBlasio still working there?

16 A. Yes.

17 Q. During your tenure at the Congressman's office,
did

18 Mr. DiBlasio have any employment other than his
position as

19 the Congressman's administrative assistant?

20 A. He had a law practice.

21 Q. And was that a full-time or part-time law
practice?

22 A. I believe it was full-time. He was there most
of the

23 time.

24 Q. There, meaning where?

25 A. In his legal office, law offices.

Bobby - Direct

1 Q. Which was on which floor of the building?

2 A. The second floor.

3 Q. How often would you see Henry DiBlasio working
4 downstairs in the congressional office?

5 A. He didn't have an office there. He would come
down
6 if there was a press conference or --

7 Q. How often did you see him down on the first
floor?

8 A. Maybe once a week, if that.

9 Q. How much congressional office work product of
Mr.
10 DiBlasio did you observe during your tenure?

11 A. I -- compared to everybody else?

12 Q. Sure.

13 A. I would probably say 1 percent.

14 Q. 1 percent of what other people were producing,
is
15 that what you're saying?

16 A. Well, out of 100 percent, everybody else was
doing 99
17 percent, and he was doing 1 percent.

18 Q. On a scale of -- who in the hierarchy of the
19 structure of the office, was Mr. DiBlasio above you or
20 below you or equivalent with you?

21 A. He was above me.

22 Q. Okay.

23 Was his position a supervisory position?

24 A. Yes, yes.

guidance 25

Q. How often did you receive supervision and

Bobby - Direct

1 from Mr. DiBlasio during the time that you were
working in
2 the office?
3 A. Not often.
4 Q. Did you ever have to perform any of Mr.
DiBlasio's
5 duties?
6 A. Yes.
7 Q. How often?
8 A. It came to -- well, I would say -- I mean an
example
9 is the move -- well.
10 Q. Which?
11 A. I don't know, I don't know how to explain that.
I
12 don't know what his -- his duties were, but I was in
charge
13 of the district office, and a lot of times I was asked
to
14 make decisions regarding the other two district
offices,
15 which I don't know if that was my job or not. I
didn't
16 think it was, but I did it because I was asked to.
17 Q. All right.
18 Was Mr. DiBlasio your supervisor; is that
correct?
19 A. Yes.
20 Q. And as you sit here today, are you unable to
21 articulate what his specific duties were?
22 A. Yes.

besides 23 Q. Were there any other employees in the office
DiBlasio? 24 yourself, called upon to perform work for Mr.
25 A. Yes, Chuck O'Nesti did quite often.

Bobby - Direct

so? 1 Q. And what was his attitude toward having to do

2 A. I think Mr. O'Nesti was a little resentful there

3 because he felt that he was -- it wasn't shared work,

that 4 he and Mr. DiBlasio should be sharing that, and I

think 5 Mr. O'Nesti felt that he had more of the

responsibility. 6 Q. During the time you worked at the congressional

7 office, did you ever encounter unexpected amounts of

cash 8 at the office?

9 A. Yes, I did on -- at the Federal Building

downtown. 10 Q. So that's after the move?

11 A. Yes, with probably the last -- within the last

three 12 years or two years I was working there.

13 Q. Would you please describe what happened the

first 14 time that you encountered unexpected cash at the

office? 15 A. Well, we were -- we were shocked, and I'll

explain 16 how this happened. This -- the Congressman -- as I

said 17 before, personal mail went back and forth, hand

delivered, 18 in a manila envelope, which was stapled shut so that -

- and 19 they have little notes in there, give this to Chuck,

20 stapled envelopes, and give this to Grace to do, and

give

21 this to Jackie to do.

said 22 And one day, there was a stapled envelope that

this 23 give to Grace, and so it was sorted in the mail, and

oh, my 24 is Grace Kavulic. She opened the envelope and went,

were 25 God, look at this, all this money she showed me, we

Bobby - Direct

1 both shocked.

2 Q. Now, do you recall how much money was in the
envelope

3 on that occasion?

4 A. I don't know because I didn't count it.

5 Q. Did you see any -- I'm sorry, I thought you were

6 done. Are you finished with your answer?

7 A. I gave the money to Grace, and she took care of
that.

8 Q. Did you see any of the denominations of any of
the

9 bills?

10 A. I can't remember. I don't remember.

11 Q. At the time that this happened, you were both at
the

12 office downtown?

13 A. Yes.

14 Q. At that particular time, how was mail
transmitted to

15 and from the Congressman's office at Overhill Road?

16 A. Personal mail was hand delivered in a large size

17 manila envelope. We would -- somebody would take it
up to

18 Overhill, say on a Thursday night, because he would be

19 coming home from Washington, D.C. for the weekend to
get

20 all his mail in, and in return, he would also get the
mail

21 in an envelope, and somebody would pick it up and
bring it

22 down to the Youngstown Federal Building.

23 Q. This first envelope that had cash in it, from
where

24 had that envelope come?

25 A. It came from the Overhill Road office.

481

Bobby - Direct

done 1 Q. On this first occasion with this cash, what was
2 with the cash?
3 A. Grace Kavulic made a deposit into the
Congressman's 4 account.
5 Q. Do you know at which bank that was?
6 A. Bank One, downtown.
7 Q. How do you know that?
8 A. Because she -- somebody had to walk with her.
It was 9 a large amount of money, so she asked somebody to
accompany 10 her. So I either walked with her or say Anthony
Traficanti 11 or all three of us would walk to the bank with her.
12 Q. After this initial episode with this amount of
cash, 13 were there any other large cash amounts received in
the 14 interoffice mail thereafter from the 11 Overhill
office?
15 A. Yes, there were, and -- it wasn't routinely, but
it 16 was, you know, periodically, there was, within a year
and a 17 half, two-two year span.
18 Q. And on those additional occasions, what was done
with 19 that cash?
20 A. The same thing. She would make a deposit slip
out 21 and ask someone to walk to the bank with her.

22 Q. Who was she?

23 A. Grace Kavulic.

24 Q. And which bank?

25 A. Bank One downtown Youngstown.

Bobby - Direct

1 Q. Did any employees, to your knowledge, other than
2 yourself, walk with Grace Kavulic down to Bank One to
3 deposit this cash?

4 A. Right now Anthony Traficanti did.

5 Q. Who is Anthony Traficanti?

6 A. He was a member of the staff, case worker that
worked
7 with us on billing.

8 Q. During your tenure on the congressional staff,
did
9 you ever encounter somebody by the last name of Bucci,
10 B-U-C-C-I?

11 A. Yes, they were contractors.

12 Q. You've used the word "they."

13 A. They're brothers, because we used -- I -- we
used to
14 refer to them as the Bucci brothers. I think there
were
15 three of them.

16 Q. Do you happen to remember their first names at
this
17 point?

18 A. Anthony, Robert, and I can't remember the third
one.

19 Q. What was the usual method of contact that you
had
20 with any of these Bucci brothers?

21 A. I had contact with them by telephone. If they
called

22 or if the Congressman needed to talk to them, it was -

23 would I make a phone call or something with some --

24 Q. On an incoming call from one of the Buccis, what

25 would you do with that call?

Bobby - Direct

if he 1 A. Take the message and give it to the Congressman
2 needed a return phone call.
district 3 Q. Did any of the Buccis ever show up at the
4 office in Youngstown?
O'Nesti 5 A. I think one of them came to visit with Chuck
6 because I know that somebody said that was one of the
don't 7 Buccis in there, but I did not visit with them. I
8 know. I -- that's -- I heard that that was them.
the 9 Q. Did you perform any other duties with respect to
10 office? Bucci brothers, contacts with the congressional
for 11 A. Well, it's sitting right here. I typed a letter
12 one of the Bucci brothers to go to a halfway house.
13 Q. All right.
30 on 14 And are you referring to Government's Exhibit 2-
15 the counter before you?
16 A. Yes.
17 Q. All right. Do you recognize that document?
18 A. Yes.
19 Q. All right. What is it?
Robert 20 A. Well, this is a fax cover sheet that I sent to
21 Bucci for Anthony.
of 22 Q. And if you'd flip the document over on the back

23
document on

Government's Exhibit 2-30, do you recognize the

24 the back?

25
Billak

A. Yes. It's a letter that I typed to Dr. Rick

Bobby - Direct

Bob. 1 in regard to -- I assume -- it's -- I assume about

first of 2 Q. All right. Now, this letter that you typed,

3 all, did you prepare this personally?

4 A. Yes.

5 Q. And what typewritten indicator is there on the

6 document that allowed you to draw that conclusion?

after the 7 A. The bottom left hand, there are my initials

8 front slash indicating that I typed it.

9 Q. Who was Richard Billak?

halfway 10 A. He runs the community association, which is a

11 house, of prerelease prisoners.

copy of 12 Q. After you typed this document, did you make a

13 it and maintain it in the files, the ordinary course

of 14 your office's business?

15 A. I'm sure I did, it's normal.

hand 16 Q. Does it indicate a file copy on the upper right-

17 corner? No?

18 A. That was not our stamp.

answer. 19 MR. TRAFICANT: I didn't hear that

20 THE WITNESS: That's not our stamp.

21 Q. Do you know who would have affixed that stamp?

22 A. No.

23 Q. Is this document copied to anybody?

24 A. Yes, it's copied to Anthony Bucci.

Anthony 25 Q. Did you do anything else with respect to Mr.

Bobby - Direct

1 Bucci in issue of the Federal Bureau of Prisons?

2 A. Not that I can recall.

3 Q. During your tenure at the Congressman's office,
were

4 any employee or employees absent from the office more
often

5 than others?

6 A. Yes, they were.

7 Q. And can you name any of those employees who were

8 absent more often?

9 A. Well, Anthony Traficanti, George Buccella when
he was

10 on the Overhill Road office, and I say that, but I can
also

11 say Henry DiBlasio because he took longer vacations
than

12 everyone else, but he was the administrative
assistant, so

13 he may have been entitled to that. I don't know.

14 Q. George Buccella, who is he?

15 A. George Buccella, he's our staff person that
worked

16 for the Congressman Traficant since 1985.

17 Q. And back up, how many office locations did the
18 Congressman's district office in Mahoning County or
his

19 district have?

20 A. Originally, we had two offices, one in Mahoning
21 County and one in Trumbull County, and then after the
last

22 redistricting, they added another office in Columbiana

23 County.

24 Q. All right.

25 When George Buccella started out working, where
was

Bobby - Direct

1 he working?
2 A. On Overhill Road office, in Mahoning County.
3 Q. And during the time that he worked at the
Overhill
4 Road office, did you have any responsibilities as
office
5 manager for documenting his time of attendance?
6 A. Yes, I had to keep track of his sick and
vacation
7 time.
8 Q. Did Congressman Traficant's congressional office
have
9 a written vacation sick time policy?
10 A. No, it -- sick and vacation time were at the
11 discretion of Congressman Traficant, but we developed
an
12 unwritten policy, based on tenure for how many
vacation
13 days and sick days you had. If you were there since
1985,
14 we gave you, say after a few years, we increased it,
and
15 the max I think anybody ever had was four weeks
vacation.

16 MR. TRAFICANT: Your Honor --
17 THE COURT: Up until the point I left.
18 THE WITNESS: Excuse me, I didn't see
you
19 were on your feet. Let's stop for a minute.
20 MR. TRAFICANT: I didn't rise to object.
I
21 didn't hear her beginning that who wrote the policy.
22 THE COURT: Fine. I'll have the --

23 MR. TRAFICANT: I didn't hear that.

24 THE COURT: I'll have the reporter read
the

25 question or the answer -- the question and the answer
back.

time 1 THE COURT: It is 10:30. This is a good
hour 2 for a brief break. We won't give you a whole half
give you 3 because you'll be released at noon today, so we'll
mind 4 a ten minute break which allows you to have put your
5 on other things. Thank you for all your attention.

6 (Thereupon, a recess was taken.)

7 (Proceedings in the absence of the jury:)

Kersey is 8 THE COURT: I have a question. Mr.
9 apparently here. I don't know if he's here now. He
10 represents Mr. DiBlasio.

him, 11 MR. MORFORD: I'll see if I can find
12 your Honor.

13 THE COURT: Yeah, our staff asked him to
14 please wait but didn't see him when they went out in
the 15 hall.

16 MR. TRAFICANT: Side bar, your Honor.

wait 17 THE COURT: We don't have -- let's just
18 and see about Mr. Kersey because he's representing
somebody 19 who may be involved in this immediate proceeding, and
it 20 would be good if we can accomplish one thing at a
time.

issue 21 MR. TRAFICANT: I would not want that

point. 22 made as a part of the official public record at this

23 THE COURT: What issue is that?

24 MR. TRAFICANT: The issue dealing with

25 Mr. Kersey.

there is 1 THE COURT: I don't know what issue
2 dealing with Mr. Kersey except he represents somebody
3 who's --
4 MR. TRAFICANT: Yes, and I am going to
5 request a side bar relative to that representation.
6 THE COURT: Okay. Let's just wait until
7 Mr. Morford's back, and then we'll give you a side
bar.
8 Meanwhile, he's just trying to find -- he was here a
few
9 moments ago in the hall, but I didn't have occasion to
see
10 him. I was told that he was present.
11 All right. Very well. Then we could
proceed
12 with questioning, if you have some more questioning,
and
13 bring the jurors out instead of wasting more of their
time.
14 MR. SMITH: All right.
15 THE COURT: Can you go on with more
16 questioning before we address this evidentiary issue?
17 MR. SMITH: Sure I can do that, your
Honor.
18 THE COURT: I think that would be a good
19 idea, and then when we resolve the issue of whether or
not
20 Mr. Kersey is just going to the law library or
something,
21 which would be understandable, or whether he's left
the

22 building, then we'll deal with that. Thank you. Okay.

23 MR. SMITH: Yes, your Honor.

24 (Proceedings resumed in the presence of the
jury:)

25 THE COURT: Mr. Smith, you may proceed.

Bobby - Direct/Smith

1 MR. SMITH: Thank you, your Honor

2 BY MR. SMITH:

3 Q. With respect to Mr. Buccella, we were talking
about

4 Mr. Buccella, is that correct, before the break?

5 A. Pardon me?

6 Q. Were we talking about George Buccella before the

7 break.

8 A. Yes, yes.

9 Q. All right. And were we also talking about an
that 10 unwritten vacation sick time policy, do you recall

11 question and answer?

12 A. Yes.

13 Q. Did Mr. Buccella follow that unwritten sick and
14 vacation time policy?

15 A. Mr. Buccella took more vacation than the rest of
the

16 staff. So I guess he did not follow it.

17 Q. Did you ever initiate any discussions with
18 Congressman Traficant about George Buccella's absences
from

19 the office?

20 A. Yes, I did, there was a time when I -- I
complained

21 to the Congressman that Mr. Buccella was spending an

22 obviously too much time out of the office, and the
other

23 employees were even aware of it and complained a
little

24 bit, and he said mark it on the -- mark it on a
calendar as
25 vacation, and that's it.

1 Q. Who said that?

2 A. Congressman Traficant.

3 Q. Did you ever have any conversation with the

4 Congressman about Mr. Buccella's whereabouts when he
wasn't

5 in the office?

6 A. Yes, there were many times that we assumed when

7 whether Mr. Buccella wasn't in the office, that he was
out

8 at the farm, at the Greenford Inn. There are many

9 occasions that he was supposed to be out there and
hadn't

10 shown up yet to meet people or whatever was going on

out at

11 the farm.

12 Q. And did you have any conversations with
Congressman

13 Traficant about that?

14 A. There was -- well, a few times, he called and
wanted

15 to know if George went out to the farm that day, and I
said

16 yeah, he's not here. He's supposed to be out at the
farm,

17 and like he said, I called out there, he wasn't gone
out,

18 or something to that effect.

19 Q. Okay. You refer again to he?

20 A. He as Congressman Traficant.

21 Q. All right.

22 You referred to I called out to the farm. Who
is the

23 I you're referring to there?

24 A. The Congressman Traficant. He was looking for

25 George. George was supposed to be out at the farm on

491

Bobby - Direct/Smith

1 various occasions, and George was either late, or he
2 show up there.

3 Q. These times that Mr. Buccella was absent from
4 office and out at the farm, were these during normal
5 working hours?

6 A. Yes.

7 Q. Did the Congressman ever inform you of any limit
8 the amount of time that George Buccella was allowed to
9 to work outside the office at the farm?

10 A. Well, all he did was tell me to mark it on the
11 calendar, whenever he said that George was going out
12 vacation, and don't worry about it. Unlimited time,
13 the Congressman said don't worry about how much time
14 Buccella took.

15 Q. Did the Congressman impose any limit on the
16 amount of such vacation time?

17 A. No.

18 MR. TRAFICANT: Can you repeat that
19 question?

20 THE COURT: We'll have it read back
21 (Thereupon, the record was read back by the
22 Court

21 Reporter.)

22 BY MR. SMITH:

23 Q. When Mr. Buccella went out to work at the farm,
24 how -- how much time would he be gone in terms of
days?

25 MR. TRAFICANT: Object.

492

Bobby - Direct/Smith

you 1 THE COURT: Okay. Don't answer. Would
2 come over?

3 (The following proceedings were held at side
bar:)

4 MR. TRAFICANT: First of all, the
Government

5 I understand what they're doing, but they're assuming
any
6 time he was not office he was at the farm. They're
trying
7 to get this woman to actually--

8 THE COURT: You can cross-examine her.

9 MR. TRAFICANT: No, hear me. They're
10 assuming that Mr. Buccella was only at the farm
perhaps for
11 farm work.

12 THE COURT: Oh, well.

13 MR. TRAFICANT: There were times when
maybe

14 Mr. Buccella was to meet with constituents or people
who

15 had complaints in that area, and the point I'm trying
to
16 make is, they're drawing assumptions by the nature of
their

17 questions, which I find objectionable.

18 THE COURT: That's why you get to
19 cross-examine. You can straighten it out.

20 MR. TRAFICANT: But I do, but I did
object to

21 that because they're beginning to get to the point
where

22 they're trying to set a pattern that is not
necessarily the

23 case.

24 THE COURT: Okay.

25 MR. SMITH: The response, your Honor, is
that

493

Bobby - Direct/Smith

told

1 the witness has already testified that the Congressman

was

2 Ms. Bobby to put Mr. Buccella on vacation time when he

the

3 not in the office. So the notion was he was out at

4 farm meeting constituents.

argue

5 THE COURT: Gentlemen, you both want to

6 your case, and you can't do it now.

7 MR. TRAFICANT: I'm not trying to.

8 THE COURT: Yes, you are, both of you.

9 MR. TRAFICANT: I'm not trying to.

10 THE COURT: Both of you are arguing.

the

11 MR. TRAFICANT: I'm trying to establish

12 relationship at the beginning of the hiring of

13 Mr. Buccella.

14 THE COURT: Okay.

maybe

15 MR. SMITH: I can rephrase, your Honor,

16 if I ask.

17 THE COURT: You can rephrase.

fine.

18 MR. TRAFICANT: That's fine, that's

19 THE COURT: Okay.

jury:)

20 (Proceedings resumed within the hearing of the

21 BY MR. SMITH:

22 Q. On occasions when Mr. --

for

23 MR. TRAFICANT: Could you please hold

Thank 24 just one minute while I make a note. Your Honor?

25 you.

Bobby - Direct/Smith

1 THE COURT: Mr. Smith.

2 BY MR. SMITH:

3 Q. On occasions when Mr. Buccella was absent from
the office, how long would he be gone?

4 A. The day, the whole day, maybe a day or two.

5 Q. And how often did this occur?

6 A. It -- well, quite -- I can't pinpoint exactly so
many days out of the week, but it occurred more often when
the Congressman was on break. I would say an average of

one day a week, and which day during the year, I can't say
10 exactly. I don't --
11

12 Q. Over what period of time are you talking here?
How many weeks?

13 A. We're talking from the time he started working
for the Congressman until he went -- he went to the
Trumbull office, Trumbull County. I think that was about 1994.

17 After that, I didn't keep track of his time. Somebody
else did.

18 Q. All right. So -- you have identified
approximately a ten-year period of time there; is that correct?

21 A. Yes.

having 22 Q. Did -- what was Mr. Buccella's attitude about
23 to be outside the office like this?
24 MR. TRAFICANT: Objection.
witness 25 THE COURT: It's very hard for this

Bobby - Direct/Smith

1 to testify about that attitude based on the question.
The
2 objection is well taken.
3 Q. Were there any other employees who were
frequently
4 absent from the office during the working hours?
5 A. There was a period when Anthony Traficanti was
6 absent.
7 Q. And in relation to the time that you left the
office,
8 how far prior to that was that?
9 A. Probably about -- see, two years prior to that,
10 Anthony did not -- Anthony liked working in the
office. He
11 didn't like to go outside the office to work.
12 Q. Did you experience any -- withdrawn.
13 Did you have responsibilities for tracking
Anthony
14 Traficanti's time and attendance as office manager?
15 A. Yes, I did.
16 Q. Did you experience any difficulties in doing so
in
17 connection with Mr. Traficant's absence from the
office?
18 A. Yes. There was quite often Anthony would not
call in
19 prior to being absent the day before -- the next day,
and
20 the policy was if you're -- you were going to be off
the
21 next day, at least you have the courtesy to call the
night

not 22 before, and there were times when Anthony just would
was 23 show up at work, and the question was, you know, where
told 24 Anthony, and then I was told -- Congressman Traficant
before, 25 me that he directed Anthony to call me the night

with 1 when he was going to not be in the office, he would be
2 him at the farm.

with the 3 Q. Did Mr. Anthony Traficanti thereafter comply
4 Congressman's directive that he call?

5 A. Yes, he did.

could 6 Q. Backtracking one moment to Exhibit 2-30 again,
page, 7 you pick that up? Turning to the back half of that
8 this is a letter that you prepared; is that correct?

9 A. Talking about the one with Dr. Billak, yes.

that 10 Q. At whose behest or directive did you prepare
11 letter?

12 A. Well, at -- I don't -- I don't know if
Congressman

13 Traficant directed me or if I -- I did. I believe
somebody

14 else did. It may have been to Congressman Traficant
or

15 Chuck O'Nesti because I didn't have that much contact
with

16 the Buccis in regard to their problems, and there's
more --

17 I only remember what a past approval is, so I wasn't
real

18 familiar with the situation so that's why I'm going to

19 guess that I just directed to type this letter and
formed

20 it.

Dr. 21 Q. Would you normally have written such a letter to
22 Billak on your own authority?
23 A. Yes, there's times when we did. This -- there
was a 24 lot of situations that we could have asked for federal
25 prisoners to be released to a halfway house.

Bobby - Direct/Smith

1 Q. Was that the subject matter of this letter?

2 A. Yes.

3 Q. Okay.

4 Directing your attention to Government's Exhibit

5 6-21, 6-22, 6-23, 6-24, 6-25, 6-26, and 6-27 on the
counter

6 before you, would you look at all those briefly,
please?

7 MR. TRAFICANT: Can the court reporter
please

8 read the exhibit numbers, again?

9 MR. SMITH: 6-21, 6-22, 6-23, 6-24, 6-25,

10 6-26, and 6-27.

11 Q. Have you had a chance to look at them, just look
at

12 them, please.

13 THE COURT: Congressman, you have all
these

14 in your exhibit books, I think.

15 MR. TRAFICANT: Yeah.

16 Q. Do you recognize what that entire series of
documents

17 is?

18 A. Yes, I do. It's financial disclosure that
19 Congressman has to fill out yearly.

20 Q. And do those documents cover the time period,
1990,

21 1990 through 1996 inclusive?

22 A. Yes.

forms,

- 23 Q. Who physically typed out and prepared these
24 Government's Exhibit 6-21 through 6-27 inclusive?
25 A. I did up until 1998.

Bobby - Direct/Smith

that 1 Q. All right. And the 1998 form is in the stack

2 I've given you; is that correct?

3 A. No, no.

4 Q. All right.

there 5 So did you prepare all the forms that you have

6 in front of you?

this top 7 A. I can't read this -- the dates on this -- on

8 one here. If it's '91 or '97, I don't know.

9 Q. All right.

Grace 10 A. But I think in 1997, I directed -- I showed

it. 11 Kavulic how to do it, but I probably still prepared

12 Q. All right.

13 Let's go to Exhibit 6-21.

14 A. Okay, that's the one.

15 Q. You have that in front of you?

16 MR. TRAFICANT: 6-21?

17 BY MR. SMITH:

18 Q. All right. Did you prepare that document?

19 A. Yes.

20 Q. All right. Is the information reported in that

21 document concerning the calendar year 1990?

22 A. I don't know. I can't read the -- the dates.

23 Q. All right. If you look at the very top of the

year 24 document, does it indicate what year -- what calendar

1 A. For 1990.

2 Q. Okay.

3 So is that the 1990 disclosure form?

4 A. Yes.

5 Q. And all right.

6 When was the disclosure form required to be
filed?

7 A. By May of 1991.

8 Q. And is that true in every subsequent year that
the --

9 A. Yes.

10 Q. The form is filed in the spring, following the
11 calendar year?

12 A. Yes.

13 Q. On Exhibit 6-21, through 6-27 inclusive, all of
those

14 forms, who actually physically typed in information on
the

15 form?

16 A. I did.

17 Q. Who signed those forms?

18 A. Congressman Traficant.

19 Q. Where did you obtain the information that went
into

20 those forms? Let's start with Exhibit 6-21, where did
you

21 obtain the information to complete the financial
disclosure

22 form for year 1990, Government's Exhibit 6-21?

23 A. The -- it was either from Grace Kavulic, she
kept

IRS

24 records of his speaking engagements. I would call the

the

25 to get an update on his liabilities, and I would give

500

Bobby - Direct/Smith

1 form to the Congressman after I typed it for him to
verify
2 it to include any additions or corrections and sign it
and
3 return it so I could mail it.

4 Q. Whose responsibility was it to give you the
5 information that went into this form? Whose form is
this?

6 A. This is the Congressman's personal disclosure,
it's
7 his responsibility to make sure it's -- that the
8 information is correct and I have all the information.

9 Q. When you submitted these forms to the
Congressman,

10 what, if anything, did you ask him to do?

11 A. I put on a yellow sticker on them and told him
to
12 please review it, correct it, make sure it was right,
and
13 sign it, and return it, sign two copies and return it.

14 Q. When you got those documents back signed, what
did
15 you do with those various copies? Explain where they
went.

16 A. I mailed two signed copies to the clerk of the
House,
17 and kept one in his personal file.

18 Q. Where is that personal file?

19 A. That personal file was at our office on Overhill
and
20 then at the office at the Federal Building in
Youngstown.

21 Q. And was it your regular practice to do that each

22 year?

23 A. Yes.

24 Q. Now, if you will take a look at 6-21 -- can I
use the

25 overhead, your Honor?

501

Bobby - Direct/Smith

1 THE COURT: Yes.

2 Q. Is there a section on that document that refers
to

3 liabilities? Do you have to pull it out of the
sleeve? Go

4 ahead and do so.

5 A. Oh, okay, this is the whole document?

6 Q. If you'd look at Page 4 to that.

7 A. Yes.

8 Q. Do you have that in front of you?

9 A. Yes.

10 MR. SMITH: May I use the overhead, your

11 Honor?

12 THE COURT: Yes

13 BY MR. SMITH:

14 Q. And is that Section 5 of the document
liabilities?

15 A. Yes.

16 Q. And does the document identify which liabilities
are

17 required to be reported?

18 A. Yes.

19 Q. All right. And which liabilities are on this?

20 A. The internal -- the ones that were reported were

21 Internal Revenue Congressional Federal Credit Union.

22 Q. Right, but in the print above that, right below
the

23 word liabilities, does it indicate which liabilities
have

24 to be reported?

25 A. Yes.

Bobby - Direct/Smith

1 Q. All right.

2 Could you read that language?

3 A. "Report liabilities over \$10,000 owed to any one

you,

4 creditor at any time during the reporting period by

amount

5 your spouse, or dependent child. Check the highest

6 owed during the reporting. Exclude a mortgage or your

secured

7 personal residence, unless it is rented out, loan

8 by automobiles, household furniture or appliances, and

sibling."

9 liabilities owed to a spouse, child, parent, or

10 Q. All right.

two

11 And for the year 1990, the Congressman reported

12 such liabilities; is that correct?

13 A. Yes.

exceeding

14 Q. Did he report to you any other liabilities

15 \$108,000 in the year 19 -- for the year 1990?

16 A. No.

pull

17 Q. Turning your attention to Exhibit 6-22, you can

18 it out and go to the liability section. Are there any

19 other -- you have it?

20 A. Okay.

21 Q. Are there any other -- withdrawn.

22 Are the same two liabilities reported that year?

23 A. Yes.

24 Q. Did the Congressman report any other liability
25 exceeding \$10,000 to you for that year?

1 A. No.

2 Q. So you could put it on the form?

3 A. No.

4 Q. If you'd move to Exhibit 6-23 --

5 A. Am I supposed to put these back?

6 Q. No, that's okay. Just set them to the side.

Thank

7 you.

8 Do you have 6-23?

9 A. Yes.

10 Q. If you'd pull that out. First of all, is that

for

11 the 1992 calendar year reporting period. Withdrawn.

12 A. It's signed, it was black on top but signed May

14,

13 1992, so I'm going to assume it was for 1992.

14 Q. And the reason for that is what?

15 A. Is because it's always done in May of the

following

16 year.

17 Q. Okay. And if you'd turn to the liability

section,

18 which is the third last page?

19 A. Yes.

20 Q. Are the same two liabilities to the Internal

Revenue

21 Service and the Congressional Federal Credit Union the

same

22 two liabilities reported for that year?

23 A. Yes.

24 Q. Did the Congressman report to you any other

25 liabilities over \$10,000 for that year?

1 A. No.

2 Q. If you would next turn to Exhibit 6-24, is that
true

3 reporting form for the calendar year 1993?

4 A. Yes.

5 Q. And again, if you'd turn to the liability
section.

6 A. Yes.

7 Q. All right. Are the same two liabilities over
\$10,000

8 reported?

9 A. Yes.

10 Q. In 19 -- for the year 1993, did the Congressman
11 inform you about any liability exceeding \$10,000 to a
12 gentleman named Bernard Bucheit?

13 A. No.

14 Q. How about David Manevich?

15 A. No.

16 Q. How about Greg Tyson?

17 A. No.

18 Q. How about Big G Construction?

19 A. No.

20 Q. Or Capital Ready Mix?

21 A. No.

22 Q. Turning your attention -- how about Anthony
Bucci or

23 Tony Bucci, for that year?

24 A. No.

25 Q. Turning to Exhibit 6-25, is that the financial

Bobby - Direct/Smith

1 disclosure form for the period calendar year 1994?

2 A. Yes.

3 Q. And turning to the liability section.

4 A. Yes.

5 Q. Which is the third last page, is there any
change in
the
6 the liabilities reported for that year as opposed to
7 previous years?

8 A. Yes, there's only one to the IRS.

9 Q. And how did you know to reduce the number of
10 reportable liabilities from two to one in that year?

11 A. Oh, man. I may have kept track of his
automobile
12 loan, or he may have told me. I don't remember.

13 MR. TRAFICANT: Would you please repeat
the
14 question?

15 (Thereupon, the record was read back by the
Court
16 Reporter.)

17 Q. Moving on to 6-26, was that the financial
disclosure
18 statement for calendar year 1995?

19 A. Yes.

20 Q. All right.

21 And again, turning to liabilities section, third
last
22 page.

23 A. Yes.

\$10,000? 24 Q. How many liabilities reported that year over

25 A. One.

1 Q. And is that the same one to the Internal Revenue
2 Service?

3 A. Yes.

4 Q. Did the Congressman report any other reportable
5 liabilities over \$10,000 to you to put on that form in
that
6 year?

7 A. No.

8 Q. And finally, Exhibit 6-27, is that the financial
9 disclosure statement for calendar year 1996?

10 A. Yes.

11 Q. And is this the last one that you prepared for
the
12 Congressman during your tenure?

13 A. I may have assisted Grace the following year to
show
14 her how to do it for 1997.

15 Q. Let me ask you this: Is this the last one you
16 prepared by yourself?

17 A. Yes.

18 Q. For the Congressman?

19 A. Yes.

20 Q. All right.

21 And again, turning to that liability section,
third
22 page in the back, is there again one liability
reported for

23 that year?

24 A. Yes.

Revenue 25 Q. And is it the same liability to the Internal

1 Service?

2 A. Yes.

3 Q. Did the Congressman report to you any
liabilities

4 over \$10,000 to you other than that one?

5 A. No.

6 Q. Throughout this time period, 1990 through 1996,
did

7 the Congressman ever ask you to report any reportable
gifts

8 on any of these forms?

9 A. No.

10 Q. You indicate you asked the Congressman to sign
these

11 particular forms.

12 A. Yes.

13 Q. And turning to Exhibit 6-27, on the first page,
is

14 this a signature at the bottom?

15 A. Yes.

16 Q. And whose signature is that?

17 A. Jim Traficant.

18 Q. And is there some printed material below the
word

19 "certification" on that particular document? See the
word

20 certification, 6-27, Page 1 toward the bottom of the
21 document, do you see the word "certification"?

22 A. Yes.

23 Q. All right. Below that, is there any small type?

24 A. Yes.

25 Q. Okay. And can you please just read that type?

508

Bobby - Direct/Smith

by the 1 A. The financial disclosure statement is required
2 Ethics --

3 THE COURT: When people read, they tend
4 read much faster than when they just talk.

5 THE WITNESS: Okay.

6 THE COURT: She has to make a record of
7 single word, so this happens almost always with
witnesses 8 reading. We have to ask you to read slower than your
eyes 9 go across the page.

10 A. The financial disclosure statement is required
11 Ethics and Government Act of 1978 as amended.

12 "The statement will be available to any
13 person upon written application and will be reviewed
by the 14 committee on standards of official conduct or its
designee.

15 Any individual who knowingly and willfully
falsifies 16 or who knowingly and willfully fails to file this
report 17 may be subject to civil penalties and criminal
sanctions.

18 See 5 U.S.C. (f), is it (f), 4104 and 18 U.S.C. 1001.

19 MR. SMITH: Thank you.

20 Q. When you left your employment in the spring of
1998,
21 were you in any way discontented with your employment

22 situation at that time?

23 A. Yes, that's the reason I left.

24 Q. Would you please explain briefly the source of
that

25 discontent?

Bobby - Direct/Smith

from
you
was
was
did

1 A. Chuck O'Nesti who we said before was suffering
2 cancer, so therefore, I had been helping him in doing,
3 know, most of his work last year and a half. Then he
4 resigning effective in March of 1998. Chuck O'Nesti
5 residing. So I sent a letter to Congressman Traficant
6 asking him basically to replace Chuck O'Nesti with me,
7 giving me Chuck O'Nesti's title, salary, et cetera. I
8 list various reasons why I felt I was entitled to that
9 letter, I mean, to that position, and I sent the
10 Congressman that letter.

11 Q. Did you receive any response?

12 A. I -- no, I did not receive a response, and I had
13 asked him about it after that, and he said when he
14 in -- back to the district, we will discuss this, the
15 letter, which we never did, then -- do you want me to
16 explain to you why I left? I was discontent with my
job,
17 and I'll just continue to tell you why I left.

18 Q. Why did you leave?

19 A. Okay.

20 And then it had to have been like in -- like in
May,
21 I sent the Congressman this letter in March, never did
get

he's 22 a response from him. He said we'll talk about it when
in 23 back in the district. I got a phone call one evening
24 May, and the Congressman was on the phone calling from
tell 25 Washington, and he said to me, he said I would like to

510

Bobby - Direct/Smith

1 you before you hear it on the 6:00 news that he is
hiring
2 Claire Maluso, in our district office. She will be
paid
3 the same salary as I am getting, and he expected me to
4 train her to do the job. I said thank you, and I hung
up
5 the phone.

6 I went and I said to my husband, I said, well,
here's
7 what happened --

8 Q. Don't get into your husband, okay. Did you
discuss
9 Henry DiBlasio at any time with the Congressman during
this
10 process of your leaving your employment?

11 A. After I told him that I quit, I discussed Henry
would
12 DiBlasio with him, with the fact that he said that he
13 get Henry DiBlasio to start taking a more active role
in
14 the congressional office if I could -- if I would
stay.

15 Q. Who's the he that made that statement about
Henry
16 DiBlasio?

17 A. Congressman Traficant.

18 Q. And how long after this conversation with the
19 Congressman did you quit?

20 A. I quit before that conversation.

21 Q. I'm sorry. How far before the conversation with
the

22 Congressman did you quit?

23 A. Probably a week.

24 Q. After you quit, did you file a claim for
unemployment

25 compensation?

Bobby - Direct/Smith

1 A. Yes.

2 Q. And what was the ruling on that claim that you
3 received?

4 A. It was denied because I -- I quit, and I did
appeal
5 it, and it was denied.

6 Q. Your testimony here today, is that given today
under
7 grant of use of immunity?

8 A. Immunity, yes.

9 Q. And would you please explain to the jury your
10 understanding of what having immunity means?

11 A. Having immunity means that I cannot be
prosecuted for
12 anything that I say under oath as long as I'm telling
the
13 truth.

14 MR. SMITH: Your Honor, may I come to
the
15 side bar?

16 THE COURT: Yes

17 (The following proceedings were held at side
bar:)

18 MR. SMITH: Your Honor, other than the
areas
19 upon which you have reserved ruling, I am done with
the
20 witness, and therefore, I need to ask how you want me
to
21 proceed at this point.

22 THE COURT: Okay. Well, we've also been

out 23 notified Mr. Kersey is in the hallway waiting to find
here 24 what's going to go on, and I don't know why he wasn't
home 25 in the first place exactly. So we can send these guys

1 a little early, and then we can -- we can decide.

2 MR. TRAFICANT: I agree.

3 THE COURT: What we're dealing with
Kersey

4 and then we can have lunch maybe and do our afternoon
work

5 or however much time it takes, or if it's not going to
take

6 very much work after the jury is gone, we can do it
and not

7 have any afternoon.

8 MR. TRAFICANT: I would hope we would
not.

9 MR. MORFORD: I don't think it'll take
long.

10 THE COURT: I don't think it will
either, but

11 I don't know what Mr. Kersey has on his mind.

12 MR. TRAFICANT: No. But I think that

13 Mr. Kersey should be brought in and the jury should be

14 dismissed, and all of our salient points of concerns
should

15 be brought forward for you to decide.

16 MR. SMITH: Can I ask the witness to
stay in

17 case you want to hear --

18 THE COURT: I have to keep her because I

19 think she may need to be under voir dire.

20 MR. MORFORD: Before we do --

21 (Counsel and Defendant conferring off the
record.)

keep 22 MR. TRAFICANT: Why would you have to
what 23 the witness under voir dire? She would not be hearing
24 Mr. Kersey says; is that correct?
things, 25 THE COURT: See, it's two separate

1 really. It's two separate things really.

2 MR. TRAFICANT: She would not be in the
room

3 when we discuss Mr. Kersey's thing, would she?

4 THE COURT: No, we can have her wait
5 somewhere.

6 MR. TRAFICANT: Yeah.

7 THE COURT: They're asking me to hold
her in

8 the witness room basically until we decide whether or
9 not -- and I think it will probably be the case -- she
10 needs to be subjected to further questioning in order
to

11 lay the foundation to see whether or not they have
12 something that can be introduced here.

13 MR. TRAFICANT: Well --

14 THE COURT: Okay. So I need her not to
go

15 home, we'll send the jury home.

16 MR. TRAFICANT: Why can't we do that
Monday

17 morning?

18 THE COURT: And Kersey can be separate
from

19 that because we have two people, and we're supposed to
work

20 on Friday here, and we're going to do our work.

21 MR. MORFORD: Just so the Court knows, I
did

22 explain to her because we had to fly her up from a
vacation

23 in Florida and fly her back today and bring her back

24 Tuesday, I did explain to her what was going on.

25 THE COURT: That's right. We won't be

here

jury 1 Monday. Okay. In any event, let me just send the
2 home, okay, and then we'll deal with our work.
3 MR. TRAFICANT: That's fine with me.
4 THE COURT: All right.
jury:) 5 (Proceedings resumed within the hearing of the
6 THE COURT: This is a wonderful time to
send 7 you away on your extended weekend, so we're going to
send 8 the jury home first and worry about all these other
9 problems that don't really involve you after that.
This 10 I want to remind you of a couple of things.
this 11 will be a substantial period of time where you can put
your 12 case out of your minds and go on with your -- resume
just 13 lives. You are under all these strange rules, and I
14 want to go over them with you one more time.
15 The things we tend to call in the old language
time. I 16 admonitions because they've been around for a long
talk 17 think you know them once I have all of you sort of
You did 18 them out when you were in a larger pool of people.
19 a very good job, but let me just go over them with you
20 again.
21 You can't watch or listen to or overhear or be

22 exposed to any information about this case. More
23 importantly, if anyone tries to approach you or
contact you
24 or talk to you about this case, you need to tell them
that
25 you're not allowed to do that, and you have a 24-hour

1 number to call for the U.S. Marshals.

2 I want to you use it if you are put under any
3 pressure by any person. That's not really the end of

the

4 admonitions, though. That's the most important part.

You

5 can't let -- you've heard part of the evidence in this

6 case, you haven't heard it all. You've got a couple

days

7 here, a day -- two days and a half. Don't go out and

8 investigate this case on your own, okay?

9 That's another admonition, and it's -- it's hard

not

10 to resist it. We've had a lot of testimony. You may

go by

11 a place that triggers some memory from something said

here

12 in the courthouse. Just keep on going by. Your

obligation

13 is a heavy obligation. As part of this Court, you're

the

14 sole and exclusive judges of the facts in the case, of

the

15 credibility and believability of the witnesses, and

you're

16 going to end up being responsible for returning

verdicts in

17 this case under the law as I give it to you.

18 So you also want to be careful that nobody tries

to

19 start teaching you the law outside of the courtroom.

You

20 probably have heard a lot about the law. Some of you

may

person 21 know a lot about the law, but you're looking at the
of 22 who has the job to tell you the law. I can't do all
23 that. I told you some -- until I've also heard the
and I'm 24 evidence in the case because you're listening to it
don't 25 listening to it, and until you've heard it all, you

1 get your final instructions in the law.

2 A good thing to do that judges are schooled in

and 3 you are judges of the facts of the case, is that you

do 4 what you do in your normal lives with important

5 responsibilities. You suspend your judgment until

you've 6 got all the facts, until you know where you're going

and 7 how to make a decision. And that is not something

that's 8 new to people.

9 I tell you these strange rules, and maybe

they're new 10 the way you have to conduct your lives, which you've

all 11 been in that kind of circumstance before. So it's a

great 12 pleasure to be serving with you, enjoy yourselves,

thinking 13 about all the other things in your lives while you're

gone, 14 and we'll see you at 9:00 in this box on Tuesday.

Okay? 15 Thank you.

16 (Proceedings in the absence of the jury:)

17 THE COURT: I'm going to ask the clerk

to 18 find Mr. Kersey and have him come in so we can find

out 19 what his concerns are.

20 MR. TRAFICANT: I would ask for a side

bar,

21 your Honor.

22 THE COURT: There's no jury present. So

23 whatever happens here, unless there's some compelling

24 reason for it, would be --

25 MR. TRAFICANT: I object -- I believe

that

1 the connotation of what Mr. Kersey may say may have a
2 prejudicial effect, and it should be taken into
3 consideration as a side bar.

4 THE COURT: Okay. Mr. Kersey.

5 MR. KERSEY: Yes, ma'am, your Honor,
nice to
6 see you.

7 THE COURT: Would you please come
forward?

8 MR. KERSEY: Yes.

9 THE COURT: And let me just explain that
at
that
10 a -- at a break that we took earlier, I was notified
for
11 you were here, and we are -- we have recessed the jury
may,
12 the day, and we have in front of us some issues, which
go
13 in fact, concern you or your client, and we will not
14 forward with those without you present.

15 I just want to tell you what it is that we're
looking
16 at, and I will also give you an opportunity to let us
know
17 what brought you to the courthouse in the first place
18 because I haven't had a chance to look at that.

19 MR. KERSEY: What brought me here was to
hear
20 testimony of Allen Sinclair, one, and also, two, to
get
21 transcripts that have testimony so I can be -- I mean
22 that's just prudent lawyerism.

23 THE COURT: No. That's fine.

24 MR. KERSEY: That's why I was here today
to

25 pick up a transcript George prepared.

the 1 THE COURT: That's fine. We were under
2 impression that you were concerned about some of the
3 proceedings that might go on while we have the current
4 witness on the stand, and I don't know if that's not
your.

5

6

MR. KERSEY: No.

7

did 8 THE COURT: We're not worried, but we
9 receive a letter on your letterhead this morning,
10 given to me by the Government, that related to your
rights, 11 client's intention regarding his Fifth Amendment
12 and I told the Government at that time that we would
need 13 to arrange to actually do more than just have a letter
but 14 to have your client present at some time and thought
of the 15 possibility since our jury goes home, 12:00 noon,
seeing if 16 that might be arranged for this afternoon. So let me
raise 17 that question with you.

18

MR. KERSEY: Judge, as you know, he's in

19

20 Florida. He's in retirement. He is in one of the
conditions of the bond that he stays in this district

or

21

the southern district. He is at home in Riviera

Beach.

get 21 He's almost a semi-invalid with a cane. He doesn't
22 around very much.
all 23 So getting him here immediately, your Honor, in
24 due respect would be virtually impossible unless I can
fly 25 an F-116 or something, and then I would guarantee you
he

1 would get here.

the

2 MR. KERSEY: Judge, I will do this for

with

3 Court. We've had cases before and I always comply

here

4 your wishes. I would get him if the Court wants him

fast

5 in person, if for some reason and the letter doesn't

6 suffice, then Mr. Grant and I will get him up here as

7 as we can. I was in my office preparing to call Mr.

8 DiBlasio and tell him there's a new development.

is

9 THE COURT: Right. So what we have here

we

10 that we've recessed the jury until Tuesday morning, so

11 have some time here for you to decide how you and your

12 client want to respond.

permit me

13 The -- the law of the Sixth Circuit doesn't

know

14 to simply go forward on a letter, and you probably

whether

15 that, but what -- what I would like to do is to see

an

16 you can work out with the Government here some kind of

17 arrangement that would allow us to go forward on that

18 aspect of this.

19 MR. TRAFICANT: Your Honor --

20 THE COURT: Yes.

21 MR. TRAFICANT: Your Honor --

22 THE COURT: Congressman Traficant.

of 23 MR. TRAFICANT: I understand the nature
is 24 Mr. Kersey's letter, and I know Mr. DiBlasio, and he
coming up 25 very ill. And I will not subject Mr. DiBlasio to

520

will 1 here under that illness, under that situation, and
client to 2 allow the Kersey letter as representation for his
Mr. 3 be admitted and to further impose one more hardship on
4 DiBlasio.

5 THE COURT: Thank you, Congressman. I
don't 6 know that that will resolve the issue. I have to
think 7 about that. That's a different approach onto it, but
thank 8 you.

9 MR. KERSEY: Well, if I --

10 THE COURT: With us one moment.

11 MR. KERSEY: All right.

12 MR. MORFORD: Two things, your Honor,
Number 13 1, because this is a question of admissibility under
Rule 14 104, the Court can consider hearsay if the Court deems
that 15 to be reliable, and given that Mr. Kersey has
indicated in 16 direct conversations with his client that his client
will, 17 if brought here, will do nothing more than get on the
stand 18 and assert the Fifth Amendment, and given the fact it
fact 19 sounds like Congressman Traficant can stipulate to the
20 under 104, the Court may be able to do what I thought
--

little	21	THE COURT: We may, I would need a
is	22	more from Mr. Kersey about all that, and I think there
now	23	some consideration of the fact that he's not well, but
remember	24	Mr. Traficant's on his feet again. In -- you'll
pay	25	this, that when someone gets on their feet, I have to

1 attention to them.

2 MR. KERSEY: I'm sitting here going up
and
3 down. You know how polite I am over the years. My
4 goodness.

5 MR. TRAFICANT: Okay.

6 THE COURT: But he jumped up first,
7 Mr. Kersey, because he's been having to do that all
through
8 this.

9 MR. TRAFICANT: I would allow Mr. Kersey
to
10 go first.

11 MR. KERSEY: Judge, I notice one thing I
can
12 say this with all deference, if I could, you have --
and
13 this is the first time I've been before you in this
14 glorious courtroom. We've had murder cases in two --
I
15 remember May Company and what not. We've had trials.
You
16 have maintained your -- I've watched as you maintained
the
17 best judicial temperament, I mean this, always said
this
18 about you, and you've kept your cool, and I have --
I've
19 even noticed Mr. Traficant is showing some humility,
your
20 Honor, I might say. Judge --

21 THE COURT: Wonderful. Lawyers are
really a

22 special group of people.

23 MR. TRAFICANT: I'm not a lawyer.

24 THE COURT: No, but you are in this
case.

25 You are.

Court -- 1 MR. KERSEY: I will do whatever the
2 you know feel comfortable with.
3 THE COURT: This is your client. Both
the
4 Government and Defendant are both suggesting to me
given
5 all the circumstances here, that it would be
sufficient to
6 go forward simply on the letter, and if there were
some
7 additional representations that you could make that
would
8 permit me to do that, let me suggest what they might
9 involve.
10 MR. KERSEY: Judge, if I could have a
11 medical, not with me -- I ran over here. I have some
12 medical records that are about oh, an inch and a half
thick
13 and there's -- he's had heart problems and a number --
14 numerous problems, he's been operated on I believe in
June
15 or July. Mr. Morford has the whole litany.
16 Judge, I can show you really I have that, I can
17 provide that to the Court, and it would make it
perfectly
18 clear this is an ill man to come up here. He has
trouble
19 getting up the stairs, Judge.
20 THE COURT: We have a -- we have some
law in
21 the Sixth Circuit that says that the privilege can't
be

that 22 asserted before questions are asked and is things like
do 23 so I clearly have to look at it, and I'll be able to
Circuit. 24 that. There aren't that many cases for the Sixth
situation 25 I can go back and review this with this factual

1 in mind and do that briefly. It won't take me long.
2 MR. KERSEY: All right.
3 THE COURT: I think probably we have
enough 4 on the record on that issue.
5 MR. KERSEY: And I'll provide the Court,
6 convenience the Court with the medicals that I have.
I'll 7 bring them over here after the lunch break if the
Court so 8 desires.
9 THE COURT: All right. Thank you.
10 Congressman.
11 MR. TRAFICANT: Your Honor, I know this
man. 12 He is very ill, and under the circumstances that Mr.
Kersey 13 in my conversations with him has been very reliable,
and I 14 think for him to travel up here would be an
endangerment to 15 his life, and that's why I do not object, and, in
fact, 16 encourage the Court to allow Mr. Kersey's record that
17 reflects the intentions of his client to be now
admissible 18 and for that matter to be disposed of expeditiously.
19 THE COURT: All right. Well, let me
just add 20 one thing, and this is really speaking to you as a
lawyer 21 representing yourself, and that is that one of the
issues

was 22 that you raised this morning, appropriately enough,
that 23 that statements may be hearsay, and because you raised
Government 24 issue and you raised it appropriately, what the
deal 25 did was to rely on certain sections of the rules that

1 with witnesses who are unavailable.

2 We have two varieties of that that we're

3 looking at in the absence of the jury. One has to do
with

4 a gentleman who is no longer alive, and the other has
to do

5 with a gentleman who has notified the Court that he
intends

6 to assert his Fifth Amendment privilege.

7 In order for me to understand whether or not --
and

8 there are other inquiries that go with this, that have
to

9 do with trustworthiness and so forth, but on this
issue, is

10 the witness unavailable for this particular witness,
he

11 could only become unavailable if I can make certain

12 findings regarding his assertion of a Fifth Amendment

13 right.

14 And then he becomes unavailable by virtue of the
fact

15 that in asserting that right, he no longer is, quote,

16 available to testify, so the rules recognize that as
an

17 exception to the hearsay argument that you were
making. So

18 although I know you're being thoughtful about a person
and

19 concerned about a person, you are now taking a
position

20 that eats away at the objection that you made earlier
this

21 morning. That was a proper objection to make, and the
22 Government properly is going forward now in an effort
to 23 show this person is unavailable.
24 I have to make findings and test the law that
25 requires, and I may well be able to do it in this
case, but

you're 1 I don't want you to misunderstand that just because
2 being thoughtful and concerned about this person, you
3 are -- that's -- that's the personal -- person you are
own 4 representing, and you also have an obligation as your
your 5 lawyer to consider that in light of what it may do to
6 earlier argument.

7 MR. TRAFICANT: Let me respond.

8 Mr. O'Nesti, regardless of what has been said,
is a 9 friend, he is dead, and I believe part of that in my
own 10 opinion was due to extreme pressure. Mr. DiBlasio's a
very 11 good friend of mine, whatever his testimony says or
does 12 not say, is not my concern. But I don't want him to
die 13 under these circumstances.

14 But on hearsay, what is good for the goose is
good 15 for the gander. Now, when you make that decision, is
the 16 only point I'm making, that the Defendant be then thus
17 allowed under the rules brought forward and under the
18 statutes brought forward by this Prosecution, that he
be 19 given the same latitude. But as far as Mr. O'Nesti's
20 concerned, I, in no way, regardless of the problems
that it

21 poses to me, want to subject him to any further harm
22 because of his health period. And I ask that he be
then
23 released, knowing that it may not be in my best
interest,
24 but I believe Attorney Kersey has been an honorable
man,
25 worked with me in an honorable form and fashion. He's

Court 1 conferred with his attorney, he's stated today this
and a 2 about a medical record that's about a half a -- inch
think 3 half long. I have deferred Mr. DiBlasio, and I don't
that I 4 under the circumstances even though it may hurt me
5 want him here because of his Fifth Amendment rights I
6 believe he should be granted that.

7 THE COURT: I think now we sort of
explore 8 the dimensions of the issue here. I will give thought
to 9 whether or not I could even accept a stipulation on
this, 10 and I'll try and get that resolved while other people
are 11 having lunch or something.

12 We have another part of this, and that has to do
with 13 the second part of the analysis that would go forward
14 regarding testimony of this witness as to any of the
15 witnesses currently on the stand, as to any
conversations 16 or statements that might have been made by either of
these 17 two people, one of whom again is your client. Now, I
can 18 reserve ruling on part of this, and we can go ahead
and 19 have voir dire of this witness on the reliability
issues, 20 if you want to.

well. 21 MR. SMITH: Yes, your Honor, we may as
22 The witness is here.
23 THE COURT: Okay.
want 24 MR. TRAFICANT: I prefer not to, and I
25 to give an explanation for that.

1 They knew this woman was in Florida, this case
was to
2 start taking testimony early, they could have brought
this
3 woman up first, they could have gone into the issue of
4 hearsay. She knew she had to travel. They bring her
in at
5 late hour, then confuse us with having to have the
expense
6 of having to bring her back and all this expense
business.

7 And, quite frankly, I think that they could have
put
8 other witnesses on before her knowing her situation.
9 Therefore, I don't believe the Government's request
should
10 be honored.

11 THE COURT: See, we have six hours left.
12 When you and I and the other lawyers here are
available,
13 and you knew you would be available to do something
about
14 this. So my real question is a much more practical
one.
15 This is an ideal day in which to do this. The jury
always
16 knew they were going home at noon, and it's an ideal
time
17 for us to address these legal issues.

18 My only question is: Do people want to break
for
19 lunch before we do that, or do you want to try and go
20 forward now? That's all.

to 21 MR. TRAFICANT: Your Honor, I would like
like 22 not break for lunch. I have a family as well, I would
forward. 23 to see them, and wouldn't recommend that we go
24 THE COURT: Okay. Then we'll do that.
I 25 Mr. Kersey, you may stay or not as you like, although

I think that it will -- here's what I will try and do.
couple will try by the end of the day to not only rule on a
case, of the outstanding motions that we've got in this
to which I'm almost ready to rule on, but I will also try
sufficient get this other issue of whether or not we have a
law platform on which a Pro Se Defendant and Sixth Circuit
about can accept a letter that makes a general statement
also asserting Fifth Amendment rights or whether we need to
bring the person up here. I'll make that decision
this afternoon.
and Right now what I want to focus on is something
on different. We have the whole issue of trustworthiness
so forth, and you may want to be here for a voir dire
that. I don't know. It's up to you.
back MR. KERSEY: Judge, if I could, I'll go
I to my office. As you know, this isn't the only thing.
now have to tell you I told somebody today I have -- right
with there's a woman that's hiring me with a murder case,
as I the Arabs that burned the store, and I have a livee,

have 20 say, in the office, and I would like to get back and
21 her sign on a contract so I can pay my taxes to the
22 Government, your Honor. And I'll be --
23 THE COURT: Mr. Kersey, you are free to
24 leave.
25 MR. KERSEY: Judge, I will be there,
and I

1 really enjoyed this very much, but I will be there and
be 2 waiting for a phone call.

3 THE COURT: Thank you.

4 MR. SMITH: The Government thanks Mr.
Kersey 5 for paying his taxes.

6 MR. TRAFICANT: I, too, want to thank
7 Mr. Kersey.

8 (Laughter.)

9 THE COURT: Okay. Now, do you want to
put 10 some questions to this witness?

11 MR. SMITH: Yes, your Honor.

12 THE COURT: Go and get her, please.

13 MR. SMITH: I will summarize what that
will 14 be.

15 THE COURT: That will be good.
Congressman,

16 this may help you with this. This is a voir dire for
a 17 special purpose here, and it operates under a little
bit 18 different rules.

19 MR. SMITH: Your Honor, I have already
on 20 direct asked this witness a number of the questions
21 relating to Charles O'Nesti, as to circumstantial
22 guarantees of trustworthiness having to do with
closeness

they 23 where the statements were made and the circumstances
24 were made and what not, and how long you worked.
similar 25 I would have to, of course, develop those

1 questions with respect to Attorney DiBlasio.

2 THE COURT: Right.

3 MR. SMITH: And then I would then ask
the

4 witness simply to identify to the court what it was
that

5 Mr. O'Nesti and what Mr. DiBlasio said to her since
you

6 know what the answer is going to be, if you allow it
to

7 come in. That's what I would propose to do.

8 THE COURT: Okay.

9 MR. SMITH: But -- and I have already
covered

10 a lot of it with respect to O'Nesti.

11 THE COURT: Okay.

12 MR. TRAFICANT: So my understanding,
you're

13 going to allow the hearsay in?

14 THE COURT: No, I haven't decided yet.
What

15 this is is a -- is an opportunity for the lawyers, who
are

16 proposing that this particular -- these particular

17 witnesses, these two, who they are asserting are

18 unavailable, meet another standard, which I discussed

19 pretty fully in my orders that I issued on this, which
were

20 conditional orders, you may remember that I -- they
wanted

21 me to say in advance whether this evidence could come
in,

22 and you objected to that one, I think.

said, 23 But in any event, and that was correct, and I
going to 24 well, we're going to have to wait and see. We're
they 25 have to get into the trial and find out whether or not

1 can satisfy some issues about this, and this voir dire
goes
2 to a particular kind of question that the rules
require me
3 to explore along with the law -- just a minute. I'm
almost
4 finished.

5 I want you to listen because this is what
they're
6 looking for. They're looking to see whether or not
they --
7 their witness will answer questions in a way that will
8 satisfy the Court that there are these guarantees of
9 trustworthiness that the law has set up are required.

10 MR. TRAFICANT: Now, having said that,
now
11 we're talking about two different potential persons,
whose
12 hearsay may be admissible for whatever reason.

13 Mr. DiBlasio is under indictment. Mr. DiBlasio,
the
14 indictment by taking the stand, could expose himself
to
15 incidents outside of this case that could have an
impact on
16 his future. What I object to is you having this open
to
17 the public with the inference that the objections or
the
18 Fifth Amendment is taken simply because of any acts
that
19 might have been done with Jim Traficant.

20 This is a man who's under indictment. Mr.
O'Nesti

from 21 was not under indictment. He was about ten days away
22 death when they come in with a fruit basket ploy, so I
23 think they are completely different. But it is the
24 connotation that concerns the Defendant and the
prejudicial 25 atmosphere.

1 I know Mr. DiBlasio is definitely sick, and he
may
2 die. Mr. O'Nesti has already died. Now, I don't want
3 anybody else to die in this case. But I do not want
the
4 connotation to be read into this matter that because
the
5 Fifth Amendment right has been taken on someone who's
been
6 indicted has to deal simply with the matter that deals
with
7 the Defendant. That is very prejudicial.

8 THE COURT: Well --

9 MR. TRAFICANT: Who knows what Mr.
DiBlasio
10 may have in his background or may be subject to under
11 cross-examination.

12 THE COURT: This isn't cross-
examination.

13 MR. TRAFICANT: Or under scrutiny when
he's
14 on the stand.

15 THE COURT: Well, he's not coming on the
16 stand right now.

17 MR. TRAFICANT: Okay. Mr. DiBlasio's
been
18 excused.

19 THE COURT: Whoa, whoa, whoa. The
witness
20 you were hearing about and we were examining this
morning

brought 21 on direct examination is the witness who's being
with 22 back on the stand. You have been concerned properly
23 whether or not certain statements that the Government
case 24 indicated before trial they might want to use in their
25 were hearsay.

1 There is -- there are some exceptions to the
hearsay 2 rule. One of those exceptions to the hearsay rule is
what 3 we've concerned with right here. I have not ruled
whether 4 or not they meet that exception. That's all we're
talking 5 about. And the witness on the stand is not going to
be 6 Mr. DiBlasio, who's in Florida. It's going to be the
who 7 witness who's been on the stand most recently here,
 8 also lives in Florida, but who has been brought up for
 9 examination in this case.
 10 So that's what we're doing, and the voir dire
out of 11 the hearing of the jury does not mean that we're
having an 12 in-camera hearing. In fact, I can't imagine an in-
camera 13 hearing could be -- could be appropriate for this. We
have 14 open, public courts in the United States, and they are
to 15 protect all of us so that things don't go on in star
 16 chambers or secret rooms. This is what we're doing
here 17 today, and in spite of your strenuous objections to
it, I 18 will not close these -- this voir dire. There's
absolutely 19 no justification.

it 20 MR. TRAFICANT: For the record, I want
21 placed in my first trial, I subpoenaed mobsters. The
22 Government didn't, and the Judge did not allow the
jury or 23 anyone to have them take the Fifth. She made them
take the 24 Fifth in her chambers where no one knew they took the
25 Fifth, and their Fifth Amendment could not be
discussed. I

534

Bobby - Voir Dire Direct/Smith

the

1 was the guy who, in fact, subpoenaed the mobsters, not
2 Government.

1983.

3 THE COURT: Okay. Well, this is not

prejudicial.

4 MR. TRAFICANT: This is highly

5 THE COURT: All right. But you're going

6 to --

7 MR. TRAFICANT: And I object.

the

8 THE COURT: You're going to live with

want

9 open court system. That's the law we have. So if you

to

10 to bring your witness down and -- we'll put questions

11 her.

12 (Pause.)

this is

13 THE COURT: You're still under oath,

jury,

14 a limited kind of inquiry out of the presence of the

15 and the lawyers will ask you certain questions about

16 certain areas of what may be your testimony.

17

18

19

20

21

22

23

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535

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1 JACQUELINE M. BOBBY,

2 resumed the witness stand out of the presence of
the

3 jury and testified further as follows:

4 VOIR DIRE

5 DIRECT EXAMINATION

6 BY MR. SMITH:

7 Q. During your testimony before the jury, you were
asked

8 a series of questions about the nature of the
relationship

9 between Congressman Traficant and Charles O'Nesti, do
you

10 remember that series of questions and answers?

11 A. Yes.

12 Q. And during that testimony, did you describe the
13 nature of the relationship between the Congressman and

14 Mr. O'Nesti as being a close relationship?

15 A. Yes.

16 Q. Would you restate again how long it was that
17 Mr. O'Nesti worked in the congressional office as one
of

18 Congressman Traficant's employees start?

19 MR. TRAFICANT: Objection, asked and
20 answered.

21 THE COURT: Overruled. You can answer
it.

22 THE WITNESS: I can answer?

23 THE COURT: Yeah.

24
1985, and

THE WITNESS: He started working in

25 he retired in 1998.

Bobby - Voir Dire/Direct

1 Q. All right.

2 A. Chuck O'Nesti.

3 Q. And was Mr. O'Nesti's position, as a district
4 director, a supervisory position in the office?

5 A. Yes.

6 Q. Now, there was a series of questions asked to
you
7 about the circumstances, under which Mr. O'Nesti
discussed

8 his pay situation with you. Do you remember that
series of
9 questions and answers?

10 A. Yes.

11 Q. And do you recall testifying these conversations
were
12 periodic from sometime in the mid 1980's up to
13 approximately six months before Mr. O'Nesti retired?

14 A. Yes.

15 Q. And where did these conversations take place
again?

16 A. In Mr. O'Nesti's office.

17 Q. All right.

18 And besides you and Mr. O'Nesti, were there ever
any
19 other people present when these types of conversations
were

20 made?

21 A. Yes, Grace Kavulic.

22 Q. And Grace Kavulic was who?

23 A. She was Congressman's personal secretary.

24 Q. All right. She a full-time person?

25 A. Full-time employee.

Bobby - Voir Dire/Direct

1 Q. How long -- when did she come on staff?

2 A. For the Congressman, in 1985.

1998,
3 Q. All right. And when you left in the spring of

4 was Ms. Kavulic still on that staff?

5 A. Yes.

6 Q. Was any Government Prosecutor official, such as
these
7 Assistant United States Attorney, present for any of

8 conversations?

9 A. Yes.

10 Q. No, no. With Mr. O'Nesti.

11 A. Oh, no.

12 Q. In the office?

13 A. No.

14 Q. The conversations you had with Mr. O'Nesti when
he
15 discussed his pay situation in front of you and Ms.
16 Kavulic, those are the conversations we're talking
about

17 between 1985 and before he left in 1998, was any
Government

18 Prosecutor present at any of those conversations?

19 A. No.

20 Q. Was any FBI agent present during any of those
21 conversations?

22 A. No.

23 Q. Any IRS agent present during any of those
24 conversations?

25 A. No.

Bobby - Voir Dire/Direct

1 Q. Any Government agent of any kind that you were
aware of present during any of those conversations?

2
3 A. No.

4 Q. Were you aware of any investigation of
Congressman Traficant that was ongoing at that point during any of
5 those conversations?

6
7 A. No.

8 Q. Did Mr. O'Nesti give any indication that he was
aware of any ongoing investigations of Congressman Traficant
at that point?

10
11 A. No.

12 Q. All right. During these periodic conversations
with Mr. O'Nesti about his pay, what did he say?

13
14 A. He complained because he had to give so much
money to the Congressman monthly, and he had -- Chuck O'Nesti
had to pay the income tax on that money first.

16
17 Q. What about that disturbed him?

18 A. The fact that he, Number 1, he had to pay the
tax prior to giving money to Congressman Traficant, and
Number 2, that he worked very hard for his money and thought
he deserved all of it.

21

was 22 Q. Did Mr. O'Nesti indicate how much money that he
23 paying back to Congressman Traficant from his salary?
24 A. No. Sometimes he -- excuse me. At one time, I
think 25 he said a thousand dollars, but I cannot say that
that's

1 what it was every time.

upon

2 Q. All right. But there was at least one occasion

give

3 which he said it was a thousand dollars that he had to

4 back?

5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

he was

8 Q. And did he give any indication about how often

9 giving this money back?

10 A. Yes, monthly.

11 Q. In discussing this with you, did Mr. O'Nesti say

12 anything about Mr. DiBlasio?

13 A. Yes.

14 Q. What did Mr. O'Nesti say --

15 MR. TRAFICANT: Objection.

16 THE COURT: Overruled.

17 Q. What did Mr. O'Nesti say about Mr. DiBlasio?

back

18 A. He said had a that Mr. DiBlasio was also giving

as

19 money to Congressman Traficant, but he wasn't working

20 hard for that money compared to Mr. O'Nesti.

21 Q. All right.

come

22 Now, turning then to Mr. DiBlasio, when did he

23 on staff?

24 A. 1985.

1998, 25 Q. And when you left the staff in the spring of

Bobby - Voir Dire/Direct

1 was he still there?

2 A. Yes.

3 Q. He had a supervisory position, at least, as far
as

4 title is concerned; is that correct?

5 A. Yes.

6 Q. Where was his office in relation to the
Congressman's

7 office at Overhill Road?

8 A. Mr. DiBlasio's office was at his law practice
office
9 adjacent to the Congressman's office on Overhill Road.

10 Q. What floor was that office?

11 A. On the top floor.

12 Q. And all the other congressional offices were on
the
13 lower floor; is that correct?

14 A. Yes.

15 Q. What was the nature of the relationship between
the
16 Congressman and Mr. DiBlasio as you observed it?

17 A. I -- I don't know. Mr. DiBlasio would appear at
18 various press conferences, perhaps at the very
beginning of

19 the congressional tenure would accompany him to some
20 speaking engagements, but after that, I don't think --
I

21 don't know about what the relationship was.

22 Q. Okay.

23 When -- did you ever have a conversation with
Mr.

pay? 24 DiBlasio in a restaurant in the mid 1980's about his

25 A. Yes.

Bobby - Voir Dire/Direct

1 Q. All right.

2 Where was that restaurant at?

I 3 A. It was in Niles somewhere, Niles, Ohio, and I --
4 don't remember which restaurant it was.

5 Q. And while you were at this restaurant, who was
6 present at the table?

7 A. Mr. DiBlasio and I.

at 8 Q. Was any Prosecutor with the Government present
9 that point?

10 A. No.

the 11 Q. Was any Government agent, whether it would be
12 FBI, the IRS, or any other Government agency present?

13 A. No.

were you 14 Q. To your knowledge, as you sat at that table,
that 15 aware of any investigation of Congressman Traficant

16 was ongoing at that time?

17 A. No.

ongoing 18 Q. Did Mr. DiBlasio give any indication that he was
19 aware of any investigation of Congressman Traficant

20 at that time?

21 A. No.

restaurant, 22 Q. As you were sitting at that table at that

23 what did Mr. DiBlasio say about his pay?

has

24 A. Mr. DiBlasio said that he was supposed to -- he
25 to -- or is giving back so much money a month to Jim

Bobby - Voir Dire/Direct

1 Traficant from his congressional salary.

2 Q. Did Mr. DiBlasio indicate any amount of money?

3 A. No.

4 Q. Now, were you questioned about these matters by
the

5 FBI in November of 1999?

6 A. Yes.

7 Q. Did you tell the FBI these things about what
8 Mr. O'Nesti said about his pay, and what Mr. DiBlasio
had

9 said about his pay, did you tell the FBI that in
November
10 of 1999?

11 A. Yes.

12 Q. Were you also questioned before the Grand Jury
in

13 January of 2000 about these?

14 A. Yes.

15 Q. Did you tell the Grand Jury about these
statements of

16 Mr. O'Nesti about what he said about his pay?

17 A. Yes.

18 Q. Did you tell the Grand Jury about the statements
that

19 Mr. DiBlasio had made about his pay before the Grand Jury?

20 A. Yes.

21 MR. SMITH: May I have a moment, your Honor?

22 THE COURT: Yes.

23 MR. SMITH: No further questions of this

24 witness, your Honor, at this time.

25 MR. TRAFICANT: Your Honor, this is voir

Bobby - Voir Dire/Cross

court 1 dire, this is not a cross-examination, is it, under
2 law?

3 THE COURT: Well, you can ask her
questions,

4 if you wish. Sometimes -- I think if you go forward
the

5 way you've been going forward on cross-examination,
that

6 will be fine, but you still have a whole cross-
examination

7 of this witness ahead of you. If you wish to cross-
examine

8 the witness after the Government concludes its direct

9 examination, and they -- they're doing this sort of at
the

10 end of their other examination, but you will have a
full

11 opportunity to do a cross-examination of the witness
on all

12 of her testimony today as to what we're talking about
here

13 now.

14 You can examine her as if it were cross-
examination

15 right on the issues that we're talking about, but not
about

16 other issues. This is a limited hearing in that sense

17 VOIR DIRE

18 CROSS-EXAMINATION OF JACQUELINE M. BOBBY

19 BY MR. TRAFICANT:

20 Q. Jackie, did you ever see Chuck giving me money/?

21 A. No.

22 Q. You ever see Henry give me any money?

23 A. No.

24 Q. Were you particularly close with Henry?

25 A. No.

at 1 Q. Isn't it a fact that you resented that Henry was
2 Overhill with me and did not work downtown?
3 A. I did not resent it.
4 Q. Did you not mention it?
5 A. I didn't resent it?
in -- 6 Q. No. Did you not make mention that Henry was up
7 Jim was up there and not downtown?
8 A. No, I never mentioned where Henry was.
9 Q. Okay.
10 Now, on this so-called money that you said was
11 cashed, did you count the money?
12 A. No.
13 Q. Did Grace count the money?
14 A. Yes.
are 15 THE COURT: Are we talking about -- what
16 we talking about here? I think that's part of her
regular 17 examination before we got into this. This is about
18 conversations against statements.
that go 19 MR. TRAFICANT: Okay. Let's just let
20 then.
that 21 THE COURT: Okay. Well, you can raise
22 later.
23 BY MR. TRAFICANT:
brought 24 Q. Now, they brought up -- I don't know if they

but 25 that up on your direct examination or your voir dire,

Voir Dire - Cross

1 they brought up something about your workmen's
compensation

2 case. Was that in the voir dire or was that
examination?

3 A. I didn't file for Workmen's Compensation.

4 Q. What did you file the complaint with the
Government,

5 what did you file?

6 THE COURT: That was part of her earlier.

7 MR. TRAFICANT: That was earlier?

8 THE COURT: Yeah, I know it's hard to

9 separate.

10 MR. TRAFICANT: That was fine. I'll
leave

11 that.

12 Q. Did you ever go out to dinner with Henry
DiBlasio and

13 his wife?

14 A. No.

15 MR. TRAFICANT: No further questions.

16 THE COURT: Thank you. Anything
further?

17 MR. SMITH: Only one document but not
this

18 witness, your Honor.

19 THE COURT: Okay. Very well. Okay? So

20 you're through.

21 MR. SMITH: Right. You want to speak in

22 front of the witness or --

sure. 23 THE COURT: No, I just want to make
24 So -- you now are through with this part of the
25 proceedings, and my understanding is that we'll resume

1 again on Tuesday at 9:00 in the morning, and you will
be 2 the witness, the first witness.

3 I'm not sure quite yet whether you'll be on
direct or 4 cross, but we can work that out, but you'll need to be
able 5 to come back to court and be ready to go at 9:00 on
6 Tuesday. Between now and then, enjoy yourself, you
don't 7 have to think about all of this, and you're released.

8 Okay, until then. Thank you.

9 (Witness excused.)

10 MR. SMITH: Your Honor, there is one
other 11 document that you may wish to consider on the issue of
12 circumstantial guarantees of trustworthiness,
specifically 13 the nature of the relationship between Henry DiBlasio
and 14 Congressman Traficant, and I'm referring to --
actually to 15 Defendant's Exhibit he gave in discovery, Defendant's
16 Exhibit D-12 and then the envelope that it came in,
17 apparently, D-12 (a), and we would ask the Court to
examine 18 those two exhibits going to the nature of the
relationship.
19 MR. TRAFICANT: Can you possibly give
them to 20 me? I think I have been compliant with everybody so
far.

21 MR. SMITH: There they are, sir.

22 MR. TRAFICANT: I thought they were
supposed

23 to be copies so we not waste time.

24 MR. MORFORD: They're your exhibits.

25 THE COURT: That's an exhibit,
Congressman.

1 MR. TRAFICANT: Excuse me.

2 THE COURT: Okay. Thank you. For the
record,

3 these are 2-12 and D-12 A, which apparently appears to
be

4 the envelope that goes with D-12, a letter to
Congressman

5 Traficant from Henry DiBlasio, and it's dated
September 18,

6 1999, so now I have -- I am going to read it not out
loud.

7 MR. TRAFICANT: Who is the letter from
again?

8 THE COURT: From Henry DiBlasio.

9 MR. TRAFICANT: Okay. I thought you
said it

10 was from the Defendant to Henry DiBlasio.

11 THE COURT: I didn't mean to if I did.

12 MR. TRAFICANT: Okay.

13 THE COURT: All right. I'll take that
into

14 consideration, and I'll rule today, this afternoon on
this

15 issue so that you know. Now, is there anything -- I

16 have -- I know I have other pending motions. You
should be

17 able to get a ruling docketed some time today.

18 MR. TRAFICANT: Your Honor.

19 THE COURT: Just one second.

20 On the issue regarding deposition in Florida,
we'll

21 give you a ruling on that today. I just can't give it
to

you. 22 you from the bench because I have been out here with

23 Okay. But that will pop up. We'll fax that --

you 24 Congressman, where should we fax copies of rulings for

25 today, to Youngstown?

1 MR. TRAFICANT: I'd like for you to fax
them
2 at 702-1230.
3 THE COURT: Okay. And we'll also, of
course,
4 docket them, and you can -- you or your staff can
access
5 the docket at any time. Anything further?
6 MR. MORFORD: Yes, your Honor, two
things. I
7 apologize for this. I just happen to think of that
letter
8 and pulled it out of my original copies of what
Congressman
9 Traficant gave us. At some point, if I can get those
back,
10 those are my only copies, I didn't know I would need
those
11 today.
12 THE COURT: Right. I think what we'll
do is
13 have these copies, and I can send them out to be
copied
14 now, they're just two sheets.
15 MR. MORFORD: I'm sorry. The second
thing,
16 as a housekeeping matter, I would like to move for the
17 admission of some exhibits that we went through
yesterday.
18 I don't know if you want me to do that now or not, but
it's
19 better --
20 THE COURT: It's a good idea while we're

take a 21 here, we knew we would be working, and it shouldn't
they 22 long time. Congressman, in this part of the process,
to be 23 will read a list of exhibits that they are submitting
then 24 admitted, and I'll ask for your response to those and
them, 25 I'll rule on them, either admitting or not admitting

1 and --

2 MR. TRAFICANT: Your Honor --

3 THE COURT: Just a second. And then
we'll

4 have taken care of some admissions, but it doesn't
mean

5 that everybody has to offer things right now for
admission.

6 I know you're concerned about whether you can offer
things

7 for admission. But the Government has some ready to
go.

8 So if you could turn your attention to these, we can

9 perhaps get these done without the jury here.

10 MR. MORFORD: These will all be exhibits
that

11 have already been shown to a witness and marked and

12 testified to in open court, but before I do that, just
so

13 the record will reflect, I think it does, but I want
to

14 make sure that exhibits we just gave the Court, the
15 Defendant's Exhibits, would be moved into court's
evidence,

16 not jury evidence for purposes -- limited purpose of
the

17 legal issue on appeal.

18 THE COURT: That's right.

19 MR. MORFORD: Okay. And then the
following

20 exhibits -- and I don't know if Congressman Traficant
has

21 his exhibit books so he knows what we're talking about
--

22
apologize.

MR. TRAFICANT: I really don't. I

23
him

MR. MORFORD: If he doesn't, I will give

24 a copy of this to look at.

25
Just

THE COURT: Hey, it's Friday at noon.

1 relax we have a whole three-day weekend. Okay?

2 MR. MORFORD: They usually don't allow
me to

3 handle originals because I tend to lose documents.

4 THE COURT: Okay.

5 MR. MORFORD: Your Honor, the first set
of

6 exhibits we would offer would be Government's Exhibit
1

7 (11) through (17).

8 THE COURT: 1-1 through 1-16 have been
9 admitted already.

10 MR. MORFORD: That's correct, your
Honor, I'm

11 sorry. It's just 1-1 (17).

12 THE COURT: Okay.

13 MR. TRAFICANT: Are we going over things
that

14 have already been admitted or not? I'd like someone
to

15 note that.

16 THE COURT: What we're going over now
are

17 things that have not already been admitted but which
the

18 Government is proposing to have admitted, and they're
going

19 to read out the numbers, and they are providing you
with

20 their copies of those exhibits as I understand it
because

21 you didn't bring yours today, but you should -- you
should

22 be aware of what they are.

23 MR. MORFORD: What I'm going to do, your

24 Honor, is point out to him each exhibit so he knows
what it

25 is we are doing.

1 representation was

THE COURT: Okay. But the

2 made, Congressman, all these exhibits were used with
3 witnesses that you've already heard testify in the
court,
4 and that may help.

5 MR. MORFORD: Your Honor, 1-1 (17) was
the
6 final envelope that we showed to Allen Sinclair, and
if the
7 Court will recall, his testimony was that that was an
8 envelope he received from Congressman Traficant on a
later
9 occasion brought to the FBI containing \$6,000.

10 THE COURT: Okay.

11 MR. TRAFICANT: Is that the back of the
12 envelope that was supposedly burned?

13 MR. MORFORD: No. This envelope right
here.

14 MR. TRAFICANT: I see. Any writing on
it?

15 MR. MORFORD: This is the front of back.

16 MR. TRAFICANT: Could you identify the
agents
17 who had witnessed that? You have the numbers there,
sir.

18 THE COURT: I think this was a -- was
this a
19 bank person, a bank witness?

20 MR. TRAFICANT: No, he just told me it
was a
21 federal agent.

me if 22 MR. MORFORD: No, your Honor. He asked
there 23 there was any writing on the envelope. I told him
time 24 was no -- this had no writing on the envelope at the
regarding 25 of Mr. Sinclair. There are some agent initials

1 the custody of the evidence on the back of the
envelope,
2 and in answer to this, his question, he was given
302's and
3 FBI reports regarding who obtained the evidence from
Mr.
4 Sinclair, but there's been no testimony about it.
5 Mr. Sinclair's testimony was this was --
6 MR. TRAFICANT: I know what his
testimony is.
7 My question is, do you know the names of the agents
who
8 had, in fact, been responsible for the custody and
chain of
9 evidence?
10 MR. MORFORD: Those are all in the 302's
11 you've been given.
12 THE COURT: You've been given a whole
series
13 of 302's. Okay?
14 MR. TRAFICANT: Yes, I submitted to the
Court
15 a number of things that I wanted relative to Mr.
Sinclair.
16 And I'm looking for them, and I don't know if I left
them
17 with the court or to review later or you had returned
them.
18 THE COURT: I don't know what you're
talking
19 about. Do you know what he's talking about?
20 MR. TRAFICANT: You were to review them
or --

21 well, in any regard, I could submit --

22 THE COURT: I'd like to know what we're

23 talking about. I have not been given anything to
review.

24 MR. TRAFICANT: They were a couple of
letters

25 of Mr. Sinclair, I think three specific things.

1 THE CLERK: These?

2 MR. TRAFICANT: Yes, there will be more,
but
3 these were the three things I think I gave them to all
4 parties.

5 MR. MORFORD: You offered those, we did
not
6 object, and I believe they've been admitted.

7 THE COURT: You've got to tell the
record
8 here what those mean. Just read the numbers off. I
know
9 it seems picky, but if you don't do this, you won't
have a
10 good record.

11 MR. TRAFICANT: I was under the
instruction
12 you were going to look at them, and you would not
decide
13 until later.

14 THE COURT: What are they, read them.

15 MR. TRAFICANT: S-24 is, in fact, a
16 resignation of Mr. Sinclair. S-24 is a letter to
Henry
17 DiBlasio from Allen Sinclair relative to his
partnership of

18 his slow cash flow, and --

19 MR. MORFORD: Sorry. That was the wrong
20 number.

21 MR. TRAFICANT: S-3, your Honor.

22 THE COURT: Sorry what?

to 23 MR. TRAFICANT: S-7 was the one relative
money 24 all those financial problems and why he can't pay his
25 owed to Mr. DiBlasio.

1 THE COURT: All three of those have been
2 admitted.
3 MR. TRAFICANT: They have?
4 THE COURT: Yes.
5 MR. TRAFICANT: Well, thank you.
6 THE COURT: You're welcome.
7 MR. TRAFICANT: That concludes my
business.
8 THE COURT: Okay. Now, I want you to
listen
9 because he's going say what he would like to have
admitted,
10 and you may want to respond to this. You don't have
to,
11 but you may want to. So we're starting with 1-1 (17),
12 right?
13 MR. MORFORD: Yes, your Honor.
14 THE COURT: Okay. Congressman, do you
want
15 to respond to that?
16 MR. TRAFICANT: I really don't have it
in
17 front of me. I can't use it as an excuse and will
not.
18 THE COURT: But you can't say you don't
have
19 it in front of you. The Government has put --
20 MR. TRAFICANT: Now that they have, I
21 appreciate that. And these are pictures of cash?
22 THE COURT: No, this is the envelope.

23
envelopes.

MR. TRAFICANT: No, this is the

24 THE COURT: 1-1(17) that's the exhibit.

25 MR. TRAFICANT: I don't object to that.

admitted 1 THE COURT: Thank you. It'll be
2 without objection.
3 MR. MORFORD: Next, your Honor is 1-
3(1), 4 (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11)
5 which are a series of --
6 MR. TRAFICANT: I have no objection to
them. 7 THE COURT: They'll be admitted.
8 MR. MORFORD: Next, your Honor is 1-
4(1), 9 which are a series of --
10 MR. TRAFICANT: I have no objection to
them. 11 MR. MORFORD: The series of checks of
Mr. 12 DiBlasio, the bank records, showing the checks,
13 congressional -- sorry -- of Allen Sinclair. I
misspoke. 14 THE COURT: And --
15 MR. TRAFICANT: I have no objection.
16 THE COURT: Thank you. Those will be
17 admitted without objection.
18 MR. MORFORD: Next, your Honor, will be
19 1-4(2), bank records of Mahoning Savings and Loan.
20 MR. TRAFICANT: I have no objection to
that. 21 THE COURT: That will be admitted.
22 MR. MORFORD: 1-4.3 are Home Savings and

it.

23

MR. TRAFICANT: I have no objection to

24

THE COURT: The exhibit 1-4(3) will be

25

admitted.

1 MR. MORFORD: The next Exhibit is 1-4.4.
2 MR. TRAFICANT: I have no objection to
it.
3 THE COURT: It will be admitted, 1-4.4.
4 MR. MORFORD: Next is Exhibit 1-5(1) and
5 1-5(2).
6 MR. TRAFICANT: I have no objection to
them.
7 THE COURT: Exhibits 1-5(1) and 1-5(2)
are
8 admitted without objection.
9 MR. MORFORD: Next is 1-6.
10 MR. TRAFICANT: I have no objection to
that.
11 THE COURT: 1-6 will be admitted without
12 objection.
13 MR. MORFORD: 1-7.
14 MR. TRAFICANT: I have no objection.
15 THE COURT: 1-7 is admitted without
16 objection.
17 MR. MORFORD: 1-8.
18 MR. TRAFICANT: I have no objection.
19 THE COURT: 1-8 is admitted without
20 objection.
21 MR. MORFORD: We're going to jump.
22 MR. TRAFICANT: Might I ask the date of
this
23 picture for clarification? This picture was taken on
-- I

was

24 do not object to it, but I do ask for when the picture
25 taken and if the Government could respond, please.

Allen 1 MR. MORFORD: There was testimony from
DiBlasio's 2 Sinclair that that was taken at the time of Mr.
best 3 retirement. He gave a month and a year approximate as
4 he can recall.
5 MR. TRAFICANT: And that was late '99?
late 6 MR. MORFORD: I think so, but -- no,
7 '98.
8 MR. TRAFICANT: I have no objection.
9 THE COURT: Okay. It'll be admitted.
21, 10 MR. MORFORD: Next would be Exhibit 1-
11 which is the lease agreement.
12 MR. TRAFICANT: I have no objection to
it. 13
without 14 THE COURT: 1-21 will be admitted
15 objection.
16 MR. MORFORD: And 1-22.
17 MR. TRAFICANT: I have no objection to
it. 18
19 THE COURT: 1-22 is admitted without
20 objection.
21 MR. MORFORD: 1-23.
22 MR. TRAFICANT: I have no objection to
it. 23
24 THE COURT: 1-23 is admitted without
25 objection.
26 MR. MORFORD: Also --

They're 24 MR. SMITH: Oh, they're out, Craig.
25 still laying here.

1 MR. MORFORD: 1-24 are the series of
2 congressional paychecks for Henry DiBlasio.

3 MR. TRAFICANT: I have no objection.

4 THE COURT: 1-24, the series will be
admitted
5 without objection.

6 MR. MORFORD: And finally, Exhibit 6-11,
7 which was the transfer deed by Mr. Sinclair.

8 MR. TRAFICANT: I have no objection to
that.

9 THE COURT: Exhibit 6-11 will be
admitted
10 without objection.

11 MR. MORFORD: That is all for now, your
12 Honor.

13 THE COURT: Thank you very much.
Anything
14 further, gentlemen?

15 MR. TRAFICANT: Have a nice weekend.

16 THE COURT: Thank you very much. Same
to
17 you. Thank you very much.

18 MR. SMITH: Have a good weekend, your
Honor.

19 (Proceedings adjourned.)

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435 1 DIRECT EXAMINATION OF MELINDA M. DAVIES.....

435 2 DIRECT EXAMINATION OF MELINDA M. DAVIES.....

446 3 CROSS-EXAMINATION OF MELINDA M. DAVIES.....

4 DIRECT EXAMINATION OF JACQUELINE M.
BOBBY..... 457

5 VOIR DIRE EXAMINATION OF JACQUELINE M.
BOBBY..... 535

6 CROSS-EXAMINATION OF JACQUELINE M.
BOBBY..... 543

7 C E R T I F I C A T E

8 I certify that the foregoing is a correct
9 transcript from the record of proceedings in the
10 above-entitled matter.

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